

**City Commission Meeting****City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive****July 8, 2015**

Mayor Philip Levine
Vice-Mayor Edward L. Tobin
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to an alternate meeting date. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Meeting called to order at 8:32:27 a.m. for the Sutnick Hour.

Mayor Levine reconvened the meeting at 9:02:02 a.m.

Pledge of Allegiance led by Chief Daniel J. Oates.

9:02:19 a.m.

Inspirational Message given by Rafael E. Granado, City Clerk.

ADDENDUM MATERIAL 1:
R9P

ADDENDUM MATERIAL 2:
C7P R5S R9Q R9R

ADDENDUM MATERIAL 3:
R9S

SUPPLEMENTAL MATERIAL 1:
R7A Memorandum
R7M Memorandum & Resolution
R7N Revised Memorandum
1B Memorandum & Resolution

SUPPLEMENTAL MATERIAL 2:
R7R Revised Memorandum & Resolution
R7S Revised Resolution

SUPPLEMENTAL MATERIAL 3:
C4E Revised Memorandum
R5Q Ordinance
R7A Resolution

Rafael E. Granado, City Clerk, announced items added, separated and withdrawn.

9:03:23 a.m.

ITEMS SEPARATED:

C7E, C7H C7K and C7P by Commissioner Grieco
C2B and C7K by Commissioner Malakoff
C7L by Commissioner Steinberg
C7G, C7J and C7N by Vice-Mayor Tobin
C7H and C7K by Commissioner Wolfson

ITEM DEFERRED:
R5J

ADDENDUM AGENDA

9:03:45 a.m.

ACTION: Motion made by Vice-Mayor Tobin to add items C7P, R5S, R9P, R9Q, R9R and R9S to the Commission Agenda; seconded by Commissioner Grieco; Voice-vote: 6-0. Absent: Commissioner Wolfson.

Commissioner Wolfson requested that R5J be deferred to September 2, 2015.

This meeting will recess for lunch at approximately 12:00 p.m.

Presentation and Awards

The Presentation and Awards Meeting will take place July 31, 2015.

CONSENT AGENDA**9:07:03 a.m.**

ACTION: Motion made by Vice-Mayor Tobin; seconded by Commissioner Grieco to approve the Consent Agenda except separated items; 6-0. Absent: Commissioner Wolfson.

C2 - Competitive Bid Reports

C2A Request For Approval To Issue A Request For Qualifications (RFQ) No. 2015-211-KB For Architectural And Engineering Design Services For The North Shore Open Space Park Project.
(Procurement/Capital Improvement Projects)

ACTION: Request approved. **Alex Dennis and David Martinez to handle.**

9:15:23 a.m.

C2B Request For Approval To Issue Request For Proposals (RFP) No. 2015-177-JR For Electric Vehicle Charging Stations For The City's Parking Facilities, Parking Garages And Surface Lots.
(Sponsored by Commissioner Micky Steinberg)
(Procurement/Environment & Sustainability/Parking)

ACTION: Request approved. Item was separated by Commissioner Malakoff to refer the discussion to the Sustainability and Resiliency Committee and the Land Use and Development Committee. Motion made by Commissioner Malakoff; seconded by Commissioner Steinberg. Voice vote: 6-0; Absent: Commissioner Wolfson. **Alex Dennis, Elizabeth Wheaton and Saul Frances to handle.**

REFERRAL:

- 1) Sustainability and Resiliency Committee - **Elizabeth Wheaton to place on the Committee agenda. Elizabeth Wheaton and Saul Frances to handle.**
- 2) Land Use and Development Committee – **Tom Mooney to place on the Committee agenda. Elizabeth Wheaton and Saul Frances to handle.**

Commissioner Malakoff stated that she would like to refer this item to the Sustainability and Resiliency Committee, because in order to have more electric and hybrid cars used in the City, more electric car facilities need to be installed in places other than just municipal parking facilities, garages, and surface lots.

Commissioner Grieco agreed with Commissioner Malakoff, and suggested the possibility of requiring future development projects to offer more facilities for electric cars.

Commissioner Steinberg stated that this item was originally discussed at the Land Use and Development Committee and at the Sustainability and Resiliency Committee; it was agreed to issue the RFP first for the Municipal Parking Lots, and then discuss additions separately at these Committees later. She would like to see the item move forward, and refer the discussion separately.

Commissioner Malakoff asked to also refer the discussion to the Sustainability and Resiliency Committee and the Land Use and Development Committee.

- C2C Request For Approval To Reject All Bids Receipt Pursuant To Invitation To Bid ITB 2015-012-AK, Printing And Bulk Mailing Services.
(Procurement/Citywide)

ACTION: Request approved. **Alex Dennis to handle.**

- C2D Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) For Health Care Benefits Consulting Services.
(Procurement/Human Resources)

ACTION: Request approved. **Alex Dennis and Sylvia Crespo-Tabak to handle.**

- C2E Request For Approval To Authorize The Issuance Of A Request For Qualifications (RFQ) No. 2015-206-KB For Roofing Consultant Services.
(Procurement/Public Works)

ACTION: Request approved. **Alex Dennis and Eric Carpenter to handle.**

- C2F Request Approval To Exercise Term Renewal Options On Contracts For Routine Operational Requirements.
(Procurement)

ACTION: Request approved. **Alex Dennis to handle.**

- C2G Request For Approval To Authorize The Issuance Of A Request For Proposal (RFP) For The Management And Operation Of Concession Stands And Beachfront Concessions, Located East Of Collins Avenue Near 21st Street And 46th Street.
(Procurement/Tourism, Cultural & Economic Development)

ACTION: Request approved. **Alex Dennis and Max Sklar to handle.**

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Options For The Relocation Of The 21st Street Teen Center.
(Parks & Recreation)

ACTION: Item referred. Daphne Saba to place on the Committee agenda. **John Rebar to handle.**

- C4B Referral To The July 31, 2015 Neighborhood/Community Affairs Committee Meeting To Discuss Amending Chapter 74 Of The Code Of The City Of Miami Beach, Entitled "Peddlers And Solicitors," By Amending Article III, Entitled "Panhandling On Public Property," To Provide Additional Areas Where Panhandling Is Prohibited; Providing For Repealer, Severability, Codification, And An Effective Date.

(Housing & Community Services)

ACTION: Item referred. Daphne Saba to place on the Committee agenda. **Maria Ruiz and Office of the City Attorney to handle.**

- C4C Referral To The Land Use And Development Committee Meeting - Discussion On A Proposed Ordinance Amendment To Modify The Minimum Front And Side Setback, And Minimum Pervious Area Requirements For Single Family Homes, As Well As Simplifying The Regulations Pertaining To The Calculation Of Unit Size And Lot Coverage.

(Sponsored by Commissioner Joy Malakoff)

ACTION: Item referred. **Thomas Mooney to place on the Committee agenda and to handle.**

- C4D Referral To The Land Use And Development Committee – Discussion Pertaining To Main Use Parking Structure Height Limits On Terminal Island.

(Office of the City Manager)

ACTION: Item referred. Thomas Mooney to place on the Committee agenda. **Thomas Mooney and Office of the City Manager to handle.**

Handouts and Reference Materials:

1. Email from South of Fifth Neighborhood Association [sofna@sofna.net] dated July 6, 2015 @ 10:32 AM, Re: City Commission Meeting Bulletin.

SUPPLEMENTAL MATERIAL 3: REVISED MEMORANDUM

- C4E Referral To Sustainability & Resiliency Committee Regarding Green Alleys.

(Sponsored by Commissioner Deede Weithorn)

ACTION: Item referred. Elizabeth Wheaton to place on the Committee agenda. **Elizabeth Wheaton to handle.**

- C4F Referral To The Land Use And Development Committee - Discuss Additional Height In The Alton Road Parking District For Projects That Provide Structured Parking.

(Sponsored by Commissioner Joy Malakoff)

ACTION: Item referred. Thomas Mooney to place on the Committee agenda. **Saul Frances to handle.**

C6 - Commission Committee Reports

C6A Report Of The June 3, 2015 Finance And Citywide Projects Committee Meeting: **1)** General Fund CSL Update and Proposed Millage Rate. **2)** Review of Proposed Capital Budget. **3)** Proposed Uses of Law Enforcement Trust Funds. **4)** Discussion Regarding The Live Nation Management Agreement For The Jackie Gleason Theater. **5)** Discussion Regarding Flooding and Sea Rise Regarding The 2015-2016 Storm Water Utilities Methodology. **6)** Discussion Regarding the Convention Headquarter Hotel Lease. **7)** Discussion Regarding A Resolution Approving The Term Sheet Attached And Incorporated As Exhibit "A" To This Resolution, And Authorizing The Office of the City Attorney To Negotiate A Purchase And Sale Agreement (PSA) Between The City And 8701 Collins Development, LLC ("8701") For The Sale Of The City Property Located At 226 87 Street To 8701 (City Parcel), And To Develop Both The City Parcel And 7925 Collins Avenue (The "8701 Parcel") Under A Unified Development Project (The "Project"); Which PSA Will Include The Design, Development And Construction Of The Project, At 8701's Sole Cost And Expense, A Main Use Parking Garage, Which Shall Include (I) Commercial Uses Such As Spa, Restaurants, And Similar Uses; (II) One Or More Levels Of Parking Garage Directly Above The First Floor, Including Mechanical Parking Elements With Valet Service; (Except For The City Unit); (III) Approximately 12,000 Square Feet Of Retail On The First Floor; And (IV) A City Municipal Parking Condominium Unit (The "City Unit") Of 75 Parking Spaces Which May Be Located In The Basement; And Pursuant To Section 82-37 Of The City Code, Directing The City Manager To Transmit The Term Sheet And Draft PSA To The Finance And Citywide Projects Committee For Review Prior To City Commission Final Approval Of The PSA; And The Term Sheet And Draft PSA Shall Also Be Reviewed By The Planning Board As Required By Section 1.03(B)(4) Of The City Charter.

ACTION:**1) General Fund CSL Update and Proposed Millage Rate.**

The Committee recommended staff bring this item back to the July 1st budget meeting. Direction was provided to reduce the General Fund's projected surplus of \$3.6 million by reducing the combined millage rate halfway to the goal (\$1.1 million) and leaving \$2.5 million in surplus for potential enhancements.

2) Review of Proposed Capital Budget.

The Committee recommended staff bring this item back to the next budget meeting noting the following changes:

- Go back to the Renewal and Replacement accounts and back out the 4 projects determined to not qualify for R&R funds and use those funds of approximately \$500,000 for dedicated pavement funding.
- Any additional funds for PayGo will be treated as an enhancement in the budget process.

3) Proposed Uses of Law Enforcement Trust Funds.

The Committee recommended accepting the proposed Confiscation Budget for the fiscal year 2015/16 uses of Law Enforcement Trust Funds.

4) Live Nation Management Agreement For The Jackie Gleason Theater.

The Committee recommended moving forward with the proposed agreement noting the changes listed in the chart below adding that there be a rent waiver (and for other fixed cost) when the building is closed due to construction/demolition of the Jackie Gleason room and hotel subject to review by the City Attorney and Live Nations' attorneys.

5) Flooding and Sea Rise Regarding The 2015-2016 Storm Water Utilities Methodology.

The Committee recommended moving forward with AECOM to work on the ERU's for the City of Miami Beach. After finishing that project, they are to work on the impact fees with a completion date that is no later than November or December. The Committee also requested that a budget be provided on what these services will cost when brought before the Commission.

6) Discussion Regarding the Convention Headquarter Hotel Lease.

The Committee recommended moving forward the proposed lease, as administration progresses with its final negotiations with Portman pursuant to Resolution No. 2015-29029.

City Clerk's Note: See Item R9D.

7) Resolution Approving Term Sheet Re: Sale Agreement with 8701 Collins Development, LLC.

The Committee recommended having this item go to Land Use Committee to review the revised LDR amendments proposed in conjunction with the proposed project and term sheet. The item may then go to the City Commission with the updated appraisal and updated term sheet.

- C6B Report Of The June 17, 2015 Land Use And Development Committee Meeting: **1)** Discussion On Possible Amendments To Chapter 6 And Chapter 142 Of The City Code. **2)** Update On North Beach Overlay Districts. **3)** Establish A Washington Avenue Task Force. Discussion Regarding The Creation Of A Process And Criteria For Parklet Applications. **4)** Discussion Regarding A Modification To Section 142-108 Of The Land Development Regulations In Order To Eliminate Any Conflict With The Florida Building Code. **5)** Discussion Regarding AECOM's Progress On The Development Of The City's Comprehensive Resiliency Program. **6)** Discussion Regarding The Provision Of Renewable Energy Sources In New Construction Projects. **7)** Sidewalk Café Ocean Drive Umbrellas - An Ordinance Amending Chapter 82, Entitled "Public Property," Article IV, Entitled "Uses In Public Rights-Of-Way," Division 5, Entitled "Sidewalk Cafés," Subdivision 2, Entitled "Permit," By Creating Section 82-389, Entitled "Additional Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafés On Ocean Drive Between 5th Street And 15th Street" To Provide Minimum Standards For Umbrellas And Awnings, Require Regular Maintenance Of Umbrellas, And Provide Prohibitions; And Providing For Repealer, Severability, Codification, And An Effective Date. **8) a)** Discussion To Review The Following Ordinances: 1) Signage Regulations Within 250 Feet Of NSOP; And 2) Parking Regulations Within 250 Feet Of NSOP. **8) b)** Discussion Related To The Development Near North Shore Open Space Park, The Rezoning Of 226 87 Terrace, And Revisions To The Parking Land Use Designation. **9)** Discussion Regarding The Review Of All Planning Fees, Including Fees Associated With Plans Review, Board Applications And Other Ministerial Functions. **10)** Discussion Regarding The Incorporation Of Green Roofs In Future Building Projects. **11)** Discussion Regarding Grade Elevations For New Construction. **12)** Discussion Regarding A Modification To The Notice Procedures For Quasi-Judicial Applications Before Historic Preservation Board, Board Of Adjustment, Planning Board, And Design Review Board. **13)** Discussion Regarding Traffic Studies. **14)** Proposed Revisions To Chapter 126 Of The Land Development Regulations Of The City Code, Pertaining To Landscaping And Minimum Standards For The Landscaping Of Private Properties And Adding A Requirement For A Tree Survey Prior To The Issuance Of A Demolition Permit. **15)** Amendment To Chapter 130 Of The Land Development Regulations To Modify Minimum Requirements For Off Street Loading Spaces. **16)** Discussion: Legal Opinion Concerning Whether A Vacancy On The Historic Preservation Board Renders The Board Improperly Constituted And Without Power To Act, And To Discuss An Amendment To Sec. 2-22(21) To Require The Mayor And City Commission To Fill Board Vacancies Within 90 Days; And Proposed Charter Amendment That Would Allow Landscape Architects And Architects That Sit On Land Use Boards The Ability To Lobby City Boards, Other Than The One They Are A Member

Of. **17)** Discussion Regarding Amending The City Charter And City Code To Provide That, Instead Of The Board Of Adjustment, The Chief Special Master Shall Hear And Decide Appeals From, And Review, Any Order, Requirements, Decision Or Determination Made By An Administrative Official Charged With The Enforcement Of The Zoning Ordinance Of The City Of Miami Beach.

1) Discussion On Possible Amendments To Chapter 6 And Chapter 142 Of The City Code.

MOTION: Continued to July 31, 2015 by Acclamation.

2) Update On North Beach Overlay Districts.

MOTION: No further action required unless re-referred.

3) Establish A Washington Avenue Task Force/Creation Of A Process And Criteria For Parklet Applications.

MOTION: 2-0 (ET/JM)

Refer the item to the full commission

4) Modification To Section 142-108 Of The Land Development Regulations In Order To Eliminate Any Conflict With The Florida Building Code.

MOTION: 2-0 (ET/JM)

Refer the item to the Planning Board with a favorable recommendation.

5) AECOM's Progress On The Development Of The City's Comprehensive Resiliency Program.

MOTION: No further action required unless re-referred.

6) Provision Of Renewable Energy Sources In New Construction Projects.

MOTION: Continued to July 31, 2015 by Acclamation.

7) Sidewalk Café Ocean Drive Umbrellas.

MOTION: Continued to July 31, 2015 by Acclamation.

8) a) Discussion To Review: 1) Signage Regulations Within 250 Feet Of NSOP; And 2) Parking Regulations Within 250 Feet Of NSOP.

8) b) Development Near North Shore Open Space Park, Rezoning Of 226 87 Terrace, And Revisions To The Parking Land Use Designation.

MOTION: Continued to July 31, 2015 by Acclamation.

9) Review Of All Planning Fees Board Applications And Other Ministerial Functions.

MOTION: Continued to July 31, 2015 by Acclamation.

10) Discussion Regarding The Incorporation Of Green Roofs In Future Building Projects.

MOTION: No further action required unless re-referred.

11) Discussion Regarding Grade Elevations For New Construction.

MOTION: Direct staff to prepare a draft Ordinance and continue to July 31, 2015 by Acclamation.

12) Modification To Notice Procedures For Quasi-Judicial Applications.

MOTION: Continued to July 31, 2015 by Acclamation.

13) Discussion Regarding Traffic Studies.

MOTION: Continued to July 31, 2015 by Acclamation.

14) Revisions To Chapter 126 Of The Land Development Regulations/Adding A Requirement For A Tree Survey Prior To The Issuance Of A Demolition Permit.

MOTION: 2-0 (ET/JM)

Motion to direct staff to prepare an Ordinance and continue the item to July 31, 2015.

15) Amendment To Land Development Regulations To Modify Minimum Requirements For Off Street Loading Spaces.

MOTION: 2-0 (ET/JM)

Motion to prepare an Ordinance for the July 31, 2015 meeting.

16) Discussion: Legal Opinion Concerning Whether A Vacancy On The Historic Preservation Board Renders The Board Improperly Constituted And Without Power To Act, And To Discuss An Amendment To Sec. 2-22(21).

MOTION: 2-0 (ET/JM)

Recommend that the Resolution regarding a proposed Charter Amendment be transmitted to the City Commission at its July 8, 2015.

17) Amending City Charter And Code To Provide That The Chief Special Master Shall Hear And Decide Appeals.

MOTION: Continued to July 31, 2015 by Acclamation.

C6C Report Of The June 24, 2015 Sustainability And Resiliency Committee: **1)** Mayor's Blue Ribbon On Flooding And Sea Level Rise Update. **2)** Sustainability Committee Update. **3)** Discussion Regarding The Provision Of Renewable Energy Sources In New Construction Projects **4)** Referral Regarding The Citywide Prohibition Of Polystyrene. **5)** Referral Regarding The Endorsement Of The Floridians For Solar Choice Ballot Initiative. **6)** Referral Regarding The Incorporation Of Green Roofs In Future Building Projects. **7)** Referral Designating A Department Or Specific Employees To Develop And Oversee Sound And Comprehensive Policy Regarding Climate Change. **8)** Discussion Regarding Making The Urban Forest A City Of Miami Beach Priority.

ACTION:

1) Mayor's Blue Ribbon On Flooding And Sea Level Rise Update.

MOTION: No further action taken.

2) Sustainability Committee Update.

MOTION: No further action taken.

3) Provision Of Renewable Energy Sources In New Construction Projects

MOTION: Item deferred to the July 22, 2015 meeting.

4) Referral Regarding The Citywide Prohibition Of Polystyrene.

MOTION: The Committee referred the Ordinance to the City Commission with a favorable recommendation. Motion made by Commissioner Grieco, seconded by Commissioner Steinberg.

City Clerk's Note: See Item R5P.

5) Referral Regarding The Endorsement Of The Floridians For Solar Choice Ballot Initiative.

MOTION: Item referred to City Commission without including Attachment A: The solar power fact sheet. Motion made by Commissioner Weithorn, seconded by Commissioner Steinberg.

6) Referral Regarding The Incorporation Of Green Roofs In Future Building Projects.

MOTION: Item continued to July 22, 2015 Meeting.

7) Designating A Department Or Specific Employees To Develop And Oversee Sound And Comprehensive Policy Regarding Climate Change.

MOTION: Item deferred to the July 22, 2015 meeting.

8) Discussion Regarding Making The Urban Forest A City Of Miami Beach Priority.

MOTION: No further action taken.

C6D Report Of The June 26, 2015 Neighborhood/Community Affairs Committee Meeting: **1)** Status Report Update Regarding Creating A Community Vegetable Garden Through Our Parks & Recreation Program For Miami Beach Elderly In Our Senior Centers; To Include Regular Transportation To The Garden. **2)** Discussion Regarding The Possible Appointment Of A Liaison To The 41st Street Corridor. **3)** Discussion Regarding The Lack Of Available Public Parking At 46th Street And Collins Avenue. **4)** Discussion Regarding Status Of Beach Chair Lock Boxes For Valuables. **5)** Discussion Regarding Bicycle Parking Locations And Adding Attractive Bike Racks Throughout The City. **6)** Discussion Regarding A Competition Swimming Pool. **7)** Discussion Relating To Traffic Studies. **8)** Discussion Regarding Undergrounding For FPL Lines On The Venetian Islands. **9)** Monthly Crime Statistics Report.

1) Status Report Update Regarding Creating A Community Vegetable Garden.

NO ACTION TAKEN.

2) Possible Appointment Of A Liaison To The 41st Street Corridor.

RECOMMENDATIONS: Commission Steinberg suggested that Public Works ensure there is a trash can on every block. Vice-Mayor Tobin suggested that Kaylee Alayon work in conjunction with her supervisor to figure out what 41st street needs and have Eric Carpenter push for these requests on the budget.

DIRECTION: To be brought back at the September 18th NCAC meeting with an update.

3) Lack Of Available Public Parking At 46th Street And Collins Avenue.

RECOMMENDATION: Vice-Mayor Tobin asked Saul Frances to bring in the data on the need for parking spots. Commissioner Grieco asked Saul Frances to tabulate how many residents have parked there over a period of time and come up with a conservative number. Assistant City Manager Kathie Brooks suggested the department conduct some research regarding the U.S. Army Corps of Engineers their public access requirement to the beaches.

DIRECTION: To be brought back to the July 31st NCAC meeting.

4) Status Of Beach Chair Lock Boxes For Valuables.

RECOMMENDATION: Vice-Mayor Tobin asked Max Sklar to find out if there is signage that informs beachgoers not to leave their valuables unattended.

DIRECTION: To be brought back to the July 31st NCAC meeting.

5) Bicycle Parking Locations And Adding Attractive Bike Racks Throughout The City.

NO ACTION.

6) Discussion Regarding A Competition Swimming Pool.

DIRECTION: To be brought back to the July 31st NCAC meeting.

7) Discussion Relating To Traffic Studies.

MOTION: By Commissioner Steinberg to clean up Ordinance and bring it to the Land Use and Development Committee in July.

8) Discussion Regarding Undergrounding For FPL Lines On The Venetian Islands.

MOTION: By Vice-Mayor Tobin to ask legal to explore the viability of whether or not we can and do have authority to make a complaint to the public service commission to get more cooperation in this area. Unanimous approval.

9) Monthly Crime Statistics Report.

RECOMMENDATIONS: Commissioner Grieco said that the officers should have their windows lowered at all times when they are patrolling from their vehicles.

DIRECTION: Vice-Mayor Tobin asked that the Police Department come back with an update on the implementation of a "Frequent Flyer" beach theft program next NCAC meeting.

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager, Or His Designee, To Submit The Following Applications: 1) US Department Of Homeland Security, Urban Area Security Initiative (UASI) FY 2016 Program, In The Approximate Amount Of \$100,000; 2) Florida Division Of Emergency Management Community Emergency Response Team (CERT) Funding, In The Approximate Amount Of \$13,000, For The FY 2015 Community Emergency Response Team Grant Program; And, Retroactively, To: 3) The Florida League Of Mayors, Inc., For The City Catalyst Grants Program, In The Approximate Amount Of \$1,500, For A Senior Citizens' Initiative; And 4) Renewal Of The Children's Trust Service Partnership Grant, In The Approximate Amount Of \$425,000, For The City's Success University Program; Approving And Authorizing The Appropriation Of The Above Grants And Funding Requests, Including Any Requisite Matching Funds And City Expenses; And Further Authorizing The City Manager, Or His Designee, To Take All Necessary Steps And To Execute All Necessary Documents In Connection With The Aforestated Grants And Funding Requests, Including, Without Limitation, Applications, Grant And Funding Agreements, And Audits.
- (Budget & Performance Improvement)

ACTION: Resolution 2015-29060 adopted. Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

- C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 4 To The Professional Services Agreement Between The City And Industrial/Organizational Solutions, Inc., Dated April 12, 2013; Said Amendment Increasing The Scope Of Agreement To Provide Additional Testing Services During The Third Contract Year For Entry Level Non-Certified Police Officer Applicants And Classified Promotional Opportunities In The Police Department, For A Total Additional Funding Amount Not To Exceed \$120,000.
- (Human Resources)

ACTION: Resolution 2015-29061 adopted. Sylvia Crespo-Tabak to handle.

- C7C A Resolution Authorizing The City Of Miami Beach To Accept A Donation Of Fitness Equipment From Mr. Mark Keller, On Behalf Of The Miami Beach Police Department, With An Approximate Value Of \$13,868.02 To Be Housed In The Miami Beach Police Department North End Substation.

(Police)

ACTION: Resolution 2015-29062 adopted. Police Chief Daniel J. Oates to handle.

- C7D A Resolution Accepting The Recommendation Of The Sustainability And Resiliency Committee, And Authorizing The Administration Negotiate An Agreement With Woosh Water Systems For A Pilot Program, In Connection With The Implementation, Management And Operation Of A Citywide Network Of Drinking Water Stations.

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Environment & Sustainability)

ACTION: Resolution 2015-29063 adopted. Elizabeth Wheaton to handle.

9:07:35 a.m.

- C7E A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Invitation To Negotiate (ITN) No. 2015-112-WG For Wellness Services For Active City Employees.

(Procurement/Human Resources)

ACTION: Resolution 2015-29064 adopted. Item separated by Commissioner Grieco. Motion made by Commissioner Grieco with an understanding that the item will return to the City Commission if the City Manager is not comfortable with the negotiations with Humana; seconded by Commissioner Weithorn. Voice vote: 6-0; Absent: Commissioner Wolfson. **Alex Denis and Sylvia Crespo-Tabak to handle.**

Commissioner Grieco stated that he is not sure why the City does not simply negotiate with Humana, given that Humana has been ranked far above the competition by several recommendations. He suggested the City negotiate solely with Humana, or at least the next top three health-insurance companies.

City Manager Morales stated that he does not have a problem negotiating just with Humana.

Commissioner Weithorn expressed concern that only negotiating with one company may affect competition, and asked if this item could return to the City Commission if they were not satisfied with the final proposal offered by Humana.

Kathie G. Brooks, Assistant City Manager, stated that the item would return to the City Commission should negotiations fail with Humana.

Commissioner Grieco moved the item with an understanding that if the City Manager is not comfortable with the negotiations with Humana, the item will return to the City Commission.

- C7F A Resolution Authorizing The City Manager, Pursuant To Invitation To Bid (ITB) 2015-210-WG, For Miami Beach Golf Club Cart Path Replacement, To Award A Contract To The Lowest Responsive, Responsible Bidder Of The ITB.
(Procurement/Parks & Recreation Department)

ACTION: Resolution 2015-29065 adopted. Alex Denis and John Rebar to handle.

9:20:37 a.m.

- C7G A Resolution Accepting The Recommendation Of The May 27, 2015 Land Use And Development Committee To Repair The Lakeview Drive Seawall, And Directing The Administration To Identify Those Seawalls In Need Of Immediate Repair.
(Public Works)

ACTION: Resolution 2015-29066 adopted. Item separated by Vice-Mayor Tobin, who suggested hiring a seawall contractor and bring item back to the City Commission in two weeks with the information. Motion made by Commissioner Malakoff; seconded by Vice-Mayor Tobin; Voice vote: 6-0; Absent: Commissioner Wolfson. **Eric Carpenter to handle.**

Vice-Mayor Tobin stated that the scope of work to replace the seawalls has not been provided. He saw an advertisement for seawall construction, and estimated with the price advertised that the City has been paying double, triple and even more for the same job. He suggested contacting the appropriate people, seawall contractors, for the jobs. Road construction contractors should not be contacted for seawall construction or repair. He asked staff to return in two weeks with an appropriate seawall repair bid.

Jay Fink, Assistant Public Works Department Director, stated that the purpose of this item was to take Cherokee Avenue out of the priority list, and seek a motion from the City Commission to move forward. He stated that he and his team would look into the issues Vice-Mayor Tobin raised.

Vice-Mayor Tobin believes that part of the problem was having a City Engineer ask a road construction contractor to give an estimate on seawall repair. For this particular job, one needs a team that deals in building and repairing seawalls regularly. He mentioned that he understands City staffers are under a great deal of pressure, and want to get things done as quickly as possible, but he asked to make sure the costs are not high.

Mayor Levine asked how the City could know whether the prices for seawall repairs are competitive.

Jay Fink, Assistant Public Works Department Director, stated that with regards to Cherokee Avenue, the City would have to go through the procurement process, be competitive and make sure pricing is coming in. In regards to other projects, those were done as add-ons, because the contractor was there, and could not bring in a third party.

Discussion held.

Bruce Mowry, Public Works Engineer, explained that he met with the Marine & Waterfront Protection Authority Board to discuss these issues. Construction charges for City projects are typically higher, because the safety requirements are much higher than for private projects.

Vice-Mayor Tobin believes that the problem is that bids with scope of work need to be provided, so that the money being spent can be detailed. He added that perhaps a City Engineer is not the best person to negotiate prices, and someone else should be in charge of this process.

Commissioner Weithorn agreed with Vice-Mayor Tobin's comments. The City's Procurement Department should be in charge of bids and price negotiations, and if they are not, this should be fixed. The process needs to begin with the scope of work. She asked why City projects cost more.

Discussion held regarding higher construction standards the City has, which affect the final cost.

Vice-Mayor Tobin requested the seawall scope of work that was agreed to with Bergeron, because the item he saw four months ago did not include it. **Bruce Mowry to handle.**

City Manager Morales clarified that the Bergeron seawall project did not go forward. He and his team are putting the seawall project up for competitive bid and will obtain the best price through a competitive procurement process. The frustration is that sometimes the City has higher project prices when compared to similar privately funded projects.

Vice-Mayor Tobin stated that seawalls can be identified by linear footage regarding price, and does not want to be a watchdog when it comes to project spending.

Jeff Bercow, Lake View Drive resident, stated that he and his wife want the City to get this done quickly and at the best price.

3:48:11 p.m.

C7H ~~A Resolution Accepting The Recommendation Of The Sustainability And Resiliency Committee At Its May 27, 2015 Meeting To Explore The Range Of Financing Options Proffered By Big Belly Solar For A Pilot Program For Litter Receptacle Bins That Do Not Include Advertising On The Bins.~~

Clerk's Note: Corrected Resolution signed on February 24, 2016

A Resolution Accepting The Recommendation Of The Sustainability And Resiliency Committee At Its May 27, 2015 Meeting, To Enter Into A Pilot Program With Big Belly Solar, Inc. At An Annual Cost Of Approximately \$36,000, For Litter Receptacle Bins That Do Not Include Advertising.
(Public Works)

ACTION: Resolution 2015-29067 adopted. Item separated by Commissioners Grieco and Wolfson. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff to approve the item. **Eric Carpenter to handle.**

City Manager Jimmy L. Morales explained the item. The Administration had recommended trying to do the project at no cost to the City, but upon further communications and negotiations with Big Belly, what they have come to is a one-year pilot program with 24 cans for \$36,000. City Manager Morales added that Big Belly's business model has not been to put them out free. Some of their representatives do it, like Waste Management, in small communities; for example, Key West is receiving two free cans. However, given the size of Miami Beach, and the length of the pilot program, Big Belly is not willing to do it at no cost.

Commissioner Wolfson agreed with the proposal.

Mayor Levine added that this equipment is solar powered.

Commissioner Wolfson stated that they are compactors as well.

Commissioner Grieco commented that it was great concept.

Jay Fink, Assistant Public Works Department Director, explained that the City tried these receptacle bins back on Lincoln Road in 2012, when the City was looking at a number of different options. The equipment is relatively large, about the size of the podium. There will be one for trash and one for recycling. They are solar operated compactors; therefore, one can place a great deal of trash into them. However, they would not have a universal application because of their large size. Due to their size for example, they cannot be placed on sidewalks. The pilot program would target those areas where such large receptacles would make sense.

Commissioner Grieco stated that in addition to what Mr. Fink said, the equipment would notify the Sanitation Department when it is 80% full; therefore, the City has the potential of streamlining garbage pickup. In the long term, the City might be able to redeploy the bodies on the street teams and thereby contribute more to litter and trash pickup. Commissioner Grieco believes the proposal is very efficient. Commissioner Grieco moved the approval of the item.

Seconded by Commissioner Malakoff.

Commissioner Malakoff added that this equipment is especially good in parks where there is plenty of space for dual cans of that size, not on sidewalks.

Handouts or Reference Materials:

1. Email from Brett Cummins dated July 6, 2015 RE: Pull items.

- C71 A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Qualifications (RFQ) No. 2014-346-YG, For Professional Architectural And Engineering Services In Specialized Categories On An As-Needed-Basis, For The Disciplines Of Planning And Urban Design Architecture, Environmental Engineering, Interior Design And Space Planning Architecture, And Structural Engineering; Authorizing The Administration To Enter Into Negotiations With Keith And Schnars, P.A., AECOM Technical Services, Inc., - Zyscovich, Inc., And The Corradino Group, Inc., For The Discipline Of Planning And Urban Design Architecture; Authorizing The Administration To Enter Into Negotiations With Keith And Schnars, P.A., URS Corporation, E-Sciences, Inc., CB&I Environmental & Infrastructure, Inc., And Kimley-Horn And Associates, Inc., For The Discipline Of Environmental Engineering; Authorizing The Administration To Enter Into Negotiations With Edward Lewis Architects, Inc., For The Discipline Of Interior Design And Space Planning Architecture; Authorizing The Administration To Enter Into Negotiations With Douglas Wood Associates, Inc., Stanley Consultants, Inc., Thornton Tomasetti, Inc., Brindley Pieters & Associates, Inc., And BCC Engineering, For The Discipline Of Structural Engineering; Further, Should The Administration Be Unable To Negotiate An Agreement With Any Of The Recommended Firms, The Administration Is Authorized To Negotiate With Other Ranked Firms In Order Of Rank In Each Category; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Citywide)

ACTION: Resolution 2015-29068 adopted. Alex Denis and Eric Carpenter to handle.

9:33:35 a.m.

- C7J A Resolution Accepting The Recommendation Of The City Commission During Its May 6, 2015 Meeting, To Pay For Monies Owed To CDM Smith, For Services Rendered, Related To The Stormwater Management Master Plan.

(Public Works)

ACTION: No action needed. See City Clerk's Note regarding Action with May 6, 2015 Item R9G.

Item separated by Vice-Mayor Tobin.

Jay Fink, Assistant Public Works Department Director, introduced the item regarding money owed to CDM Smith for services rendered related to the storm water management master plan.

Vice-Mayor Tobin requested further details.

City Manager Morales stated that the item came to the City Commission on May 6, 2015, and the direction was to request additional work and bring back recommendation on the amount.

Vice-Mayor Tobin suggested bringing the item back after research has been done.

Discussion held.

Mayor Levine requested bringing the item back later in the day.

12:06:59 p.m.

City Manager Morales clarified that the City Commission had approved this item on May 6, 2015, so no further action was needed.

City Clerk's Note: Excerpt from the After Action from May 6, 2015, Item R9G.

May 6, 2015

3:41:41 p.m.

R9G Discussion Regarding The Status Of Money Owed By City Of Miami Beach To CDM For Work Completed. (Requested by Vice-Mayor Jonah Wolfson) (Deferred from April 15, 2015 - R9Y)

ACTION: Discussion held. Motion made by Commissioner Wolfson to pay the funds owed to CDM; seconded by Commissioner Grieco. Voice vote: 6-0; Absent: Vice-Mayor Tobin.

3:50:35 p.m.

C7K A Resolution Authorizing The Mayor And The City Commission To Approve The First Year Renewal Option To The Service Agreement Between The City And Progressive Waste Solutions Of Florida, Inc., Scheduled To Commence On September 1, 2015.
(Public Works)

ACTION: Resolution 2015-29069 adopted. Item separated by Commissioners Grieco, Malakoff and Wolfson. Motion made by Commissioner Malakoff to renew the agreement for one year, and at the same time begin the process to go out for the RFP; seconded by Commissioner Wolfson. Voice-vote: 7-0. **Eric Carpenter to handle.**

Jay Fink, Assistant Public Works Department Director, explained the item. The current contract was negotiated in 2010. It was subject to an RFQ that received proposal. The City went through significant negotiations sessions. Those negotiations resulted in a cost that was lower than the City was paying at the time. It is noteworthy that the cost the City is currently paying is still less than what the City was paying prior to the start of that contract. Mr. Fink pointed that at the time of the RFQ in 2010, there was a downturn economy, so there was a competitive edge that the City was able to leverage. The contractor, although they have changed hands, has held its cost down

for three of the five years. The contractor has also indicated that upon renewal they would not be seeking any cost index escalation in the upcoming year.

Commissioner Grieco stated that the current City Commission has been consistent on renewing contracts that have a few years on them, for instance, they have another item on the agenda, item C2G, where they just issued an RFP for beachfront concession at 21st Street and 46th Street. To be consistent, Commissioner Grieco requested to see this item go back out for a new RFP. It is time to put this item back out. If they do not get the RFP resolved in time, they can go ahead and remain on a month-to-month basis contract with the current vendor in the interim. Commissioner Grieco stated that he has been consistent with this.

Commissioner Malakoff stated that just as Commissioner Grieco said, on items like this she has seen in the last year and a half, they usually would go out for procurement. She thought it was strange that this was not going out. However, on the other side, the company doing it now is very responsive to the residents; they have been polite as far as residential pickup is concerned. This company does a good job; it is nothing against the company. Commissioner Malakoff stated that the City would get better pricing if it goes out for competitive bids.

Commissioner Wolfson agreed that the current operator does a good job. However, the current operator did not get there through the public bid, the current operator bought into it. It cannot hurt to put the item up for bid to give everyone a fair shot.

Commissioner Grieco added, as a side note, that he does not like seeing renewals on the Consent Agenda. As a City Commission they should not see any renewals, whether it be a lease or a contract, on Consent. Such items should be on the Regular Agenda, so the City Commission discusses them and it does not slip on through. **Office of the City Manager to handle.**

Vice-Mayor Tobin commented that large garbage companies routinely donate to political action committees.

Mitchell Bierman, from Weiss, Serota, Helfman, representing the incumbent Progressive Waste, whose contract is up for renewal today, asked that the City Commission move forward with the renewal for the one year, and to have staff research during the year whether a new RFP is likely to yield better pricing for the high quality service. If so, move forward with the RFP, and then the City will be ready to award at the end of the renewal period.

Commissioner Malakoff commented that Mr. Bierman's suggestion made sense.

Raul J. Aguila, City Attorney, explained that the current vendor's contract expires on August 31, 2015, so if they do take it out to bid, the City needs to secure a month-to-month extension so there is time to go through the RFP process.

Mayor Levine inquired of City Manager Morales if it is not customary for the City to put these contracts out for bid.

City Manager Morales explained that when the contracts have provisions that allow for renewal, when the service and price are good, the Administration oftentimes recommends a renewal because procurement comes with a cost. In this case, staff believed that they were still getting a good price and good service.

Commissioner Wolfson asked how long the window to exercise the renewal is and if the City had until August 31, 2015.

Mr. Fink responded that the renewal had to be exercised 30 days prior to the expiration of the contract.

Discussion continued as to when the option to renew the contract had to be exercised.

City Manager Morales explained that the City has to issue its renewal option at least 30 days prior to the expiration of the contract.

Jay Fink read the renewal provision.

Vice-Mayor Tobin commented that staff has determined that the City is obtaining a good competitive price from this provider and that their service has been good. Therefore, why would the City Commission not give them a one-year renewal?

Mr. Fink stated that the current pricing is less than what it was in 2010, when the original procurement process started.

Vice-Mayor Tobin stated that they have great pricing and they have done a great job, why not renew them.

Commissioner Malakoff stated that what Mr. Bierman said makes sense; however, the question is can the City do it that way; can they renew the agreement for a year, and in the meantime start the procurement process looking for bids. It does take a while to get all the bids.

City Attorney Aguila stated that what Commissioner Malakoff is suggesting could be done.

Commissioner Malakoff suggested renewing the contract for one year and in the meantime going out to bid.

Commissioner Wolfson inquired how many renewals are there in this contract.

Mr. Bierman responded that there would be two more after this one.

Commissioner Wolfson stated that his only concern is if you put this out for bid and you lose that opportunity to renew, maybe you will lose that \$23 price. Commissioner Wolfson remembers that the price is lower than what the City was paying before.

Ralph Andrade, representing SWS, reminded the City Commission that Choice, the company that was actually awarded the contract, was not the lowest bidder at that time at \$23.00. SWS was the lowest bidder. SWS bid in the range of \$20 to \$21.

Commissioner Wolfson inquired of Mr. Andrade if his clients would bid again around that price. Mr. Andrade stated that he could not make such a guarantee; however, Mr. Andrade stated that at the time of the 2010 RFP, his client was the lowest proposer.

Discussion continued as to why SWS was not awarded the contract in 2010.

Mr. Andrade added that SWS is willing and able to step up on an emergency basis and provide the emergency services to the City for the residential component for the same price being charged by Progressive.

Commissioner Wolfson suggested going out to bid, to see if SWS is willing to undertake the job on a month-to-month basis, for the same price, if Progressive is unwilling to do it. Commissioner Wolfson suggested going out to bid now, as the City could save money, since SWS can do it at a lesser price.

Commissioner Weithorn posed a question to the City Manager or the City Attorney - in the past, they have done the one-year extension and they have gone back out to bid, because marketplace is important. If they reject the bids, then can they continue with the contract?

City Attorney Aguila responded that Commissioner Weithorn was correct. What the City has always done when it goes out to bid is to secure a month-to-month extension, allowing the City to continue with the services uninterrupted with the current vendor until the RFP process is concluded.

Commissioner Weithorn asked if the City wanted to do the other option, which is a one-year extension, and decide to go into RFP. If the City realizes that the prices are coming in at \$25, can the City reject all bids and then go back and decide if they want to do another extension with the current provider.

Mayor Levine reiterated Commissioner Weithorn's suggestion: 1) extend the current contract for one year; 2) go out to RFP in the meantime, 3) if the bid prices are not satisfactory, then continue with the existing vendor.

City Attorney Aguila commented that the current contract has a termination for convenience provision, allowing the City to terminate for the convenience upon x number of days' notice.

Mayor Levine suggested to keep going with the one-year renewal, do an RFP and see where it will come in. The City is not losing anything.

Commissioner Malakoff stated that the Mayor's suggestion makes sense.

City Manager Morales recommended that the motion include going out to RFP.

Commissioner Wolfson stated that since the City has a termination for convenience, if the City puts out a bid and it finds out in the next six months that they could save money by going with a new company, then the City would terminate for convenience.

City Attorney Aguila stated that the City could terminate the contract for convenience. He assumes that if they put out a new bid, that the incumbent bidder would also be a bidder on the new contract.

Consensus was that the current bidder could bid on the new RFP.

Commissioner Wolfson stated that if City could terminate for the convenience and bring a new vendor in six months, then they are doing what is fiscally responsible.

Discussion held as to how long the RFP process may take.

Commissioner Malakoff moved to renew the current vendor for one year, and at the same time start the process for going out to an RFP.

Commissioner Wolfson made a friendly amendment that the City be able to consider termination for convenience if it is the right thing to do at the time.

Commissioner Steinberg stated that termination for convenience should be discussed at the time the RFP results are received.

Commissioner Wolfson seconded Commissioner Malakoff's motion as originally stated.

Handouts or Reference Materials:

1. Email from Brett Cummins dated July 6, 2015 RE: Pull items.

9:18:07 a.m.

C7L A Resolution Retroactively Approving And Authorizing The Acceptance Of \$180,726 In Sponsorships And Donations Made To The City For The City's Annual Fourth Of July Celebration Event, The Grocery Program And Soundscape Cinema Series.
(Tourism, Culture & Economic Development)

ACTION: Resolution 2015-29070 adopted. Item separated by Commissioner Steinberg. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco. Voice vote: 6-0; Absent: Commissioner Wolfson. **Max Sklar to handle.**

Commissioner Steinberg thanked all of the staffers who were involved in the recent events in North Beach (Fourth of July Celebration), but she expressed her concern in retroactively approving sponsorships. She requested LTCs informing the City Commissioners of event sponsors in the future. **Max Sklar to handle.**

Max Sklar, Tourism, Culture and Economic Development Director, stated that sponsorships are continuously being sought, up until the very last minute; but they will try to issue LTCs listing the sponsors.

Vice-Mayor Tobin explained that they do not want the City to accept donations from vendors, or anyone who has business with the City, only to find out about it after-the-fact.

Max Sklar, Tourism, Culture and Economic Development Director, stated that he understood the direction given by the City Commission.

C7M A Resolution Authorizing The Continuation Of The Initial Term Of The Agreement, Through September 10, 2015, On The Same Terms And Conditions, Subject To Termination For Convenience Without Cause By The City Manager, Until Completion Of Those Negotiations For The Two (2) Year Renewal Term Of The Agreement Between The City And Xerox State And Local Solutions, Inc. Pursuant To, And As Authorized By, The Mayor And City Commission Under Resolution No. 2015-29018.

(Police)

ACTION: Resolution 2015-29071 adopted. Police Chief Daniel J. Oates, Aleksandr Boksner and Alex Denis to handle.

9:37:25 a.m.

- C7N A Resolution Supporting The Creation Of The South Florida Mayors' Beach Alliance.
(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Environment & Sustainability)

ACTION: Resolution 2015-29072 adopted. Item separated by Vice-Mayor Tobin. Motion made by Commissioner Malakoff; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Wolfson. **Fatima Perez and Elizabeth Wheaton to handle.**

Mayor Levine explained the reason for the creation of the South Florida Coastal Mayors' Beach Alliance is to encourage the State to allocate funds for sand to re-nourish the beaches. All the coastal Mayors will be speaking on this topic as one voice. The Mayors will meet on July 9, 2015, on the sand, to ask the County, State and Federal governments for funding this important task.

Commissioner Malakoff commented that there is strength in number.

Mayor Levine stated that the most recent proposed County budget, did not mention sand/beach re-nourishment.

- C7O A Resolution Approving And Authorizing The City Manager To Execute Change Order No. 2 To The Construction Contract Between The City Of Miami Beach And Team Contracting, Inc., Dated July 16, 2014 (The Contract); Relating To The Reconstruction Of Surface Parking Lots 12x & 17x (Project); Said Change Order Increases The Scope Of The Project To Include: 1) The Redesign Of The Proposed Drainage System In The Original Set Of Construction Documents In Surface Parking Lot 17x As Requested By City Of Miami Beach Public Works Department; 2) The Reconfiguration Of The Accessible Parking Space In Surface Parking Lot 12X; And A Time Extension Of 45 Calendar Days Required To Address The Impact To The Construction Schedule, In The Total Amount Of \$22,122 With Previously Appropriated Funding.
(Capital Improvement Projects)

ACTION: Resolution 2015-29073 adopted. David Martinez to handle.

9:09:38 a.m.

ADDENDUM MATERIAL 2:

- C7P Request For Authorization To Direct The Transportation Department To Conduct A Traffic Study On West 62nd Street Between Alton Road And La Gorce Drive Due To Speeding Cars.
(Sponsored by Commissioner Joy Malakoff)

ACTION: Request authorized. Item separated by Commissioner Grieco. Motion made by Commissioner Grieco, seconded by Commissioner Malakoff. Voice vote: 6-0; Absent: Commissioner Wolfson. **Police Chief Dan Oates and Jose Gonzalez to handle.**

Commissioner Malakoff stated that 67th Street is a very short residential street between Alton Road and La Gorce Drive. It has been used by commuters as a shortcut. Recently, there was an accident; an FPL worker was struck by a hit-and-run vehicle. Cars speed on that street, which is only a block long. She spoke to the Transportation Department whether they could put a 20 mph sign, or a speed hump, but nothing can be done to slow down the cars, unless the County-required traffic study is done.

Commissioner Grieco asked how much the traffic study would cost.

Jose Gonzalez, Transportation Director, recommended working with the Police Department before engaging with a traffic consultant to do a formal traffic study. The Police Department can measure speeds and traffic volumes, and that could indicate whether there is cut-through traffic, before going to a consultant.

Commissioner Grieco agrees with the cooperation between the Traffic and Police Departments, so long as it does not cost any extra money. This item was brought up previously, and did not go forward, because there are many upcoming traffic flow changes expected to take place on Alton Road, and possibly Pine Tree and La Gorce Drives.

Commissioner Malakoff stated that she had requested Police presence in this area, but she was told the Police did not have the workforce to patrol this block, because they are busy patrolling other parts of the City.

Police Chief Oates stated that they could do a block study and determine some action. Vice-Mayor Tobin asked why the Police Department would be necessary for a traffic study, because there may be technicalities in the study that the Police Officers may not be aware of.

Jose Gonzalez, Traffic Director, stated that the Transportation Department works with the Police because they have the equipment that can measure speed and volumes simultaneously in both directions; it is then the Transportation Department that evaluates the data.

End of Consent Agenda

REGULAR AGENDA**R2 - Competitive Bid Reports****9:40:34 a.m.**

R2A Request For Approval To Authorize The Issuance Of A Request For Qualifications (RFQ) No. 2015-213-KB For Preparation Of Environmental Analyses For Miami Beach Transit Projects Including The Beach Corridor Transit Connection Project And Related Services.
(Procurement/Transportation)
(Deferred from June 10, 2015 - R2B)

ACTION: Request approved. Motion made by Commissioner Grieco; seconded by Commissioner Steinberg. Voice vote: 6-0; Absent: Commissioner Wolfson. **Alex Denis and Jose Gonzalez to handle.**

City Manager Morales stated that the project to install a streetcar, or a dedicated bus or trolley lanes on Fifth Street and Washington Avenue corridors requires an environmental analysis before being eligible for Federal or FDOT funding. This item is issuing the RFQ to select the firm to conduct the environmental analysis.

Commissioner Grieco stated that there was a beach corridor study, at the MPO level, in which the consultant was actually against the City either bifurcating or trifurcating the project. He wants to make sure that when the RFP goes out, that anyone involved with that consultation would be conflicted out as a potential bidder, considering that they are not in support of the project.

Kathie G. Brooks, Assistant City Manager, is not sure the consultant for the MPO study on the transit connectivity, Genet Fleming, was against the project; they expressed concerns regarding certain technology regarding flooding, and making sure the City was taking the correct steps in terms of receiving Federal funding.

Commissioner Grieco reiterated that he does not want anyone bidding on the project that has reservations.

Vice-Mayor Tobin asked, for clarification, what specific project they are approving the environmental assessment for.

Kathie G Brooks, Assistant City Manager, replied that the study would be for the portion of Fifth Street and Washington Avenue, and what environmental impact a light rail or modern streetcar would have on the area. The study could be broadened to cover the impact of busses on an exclusive lane.

Vice-Mayor Tobin asked what the cost of such a study would be for the taxpayers.

Kathie G. Brooks, Assistant City Manager, replied that it would be a few hundred thousand dollars.

Jose Gonzalez, Transportation Director, clarified that they do not have a cost at the moment, because it is an RFQ, but when they have the figures, they will present it to the City Commission.

Vice-Mayor Tobin stated that when he thinks of the environment he thinks of beaches and the ocean; he asked why an environmental study would be needed for Fifth Street and Washington Avenue.

Kathie G. Brooks, Assistant City Manager, replied that environment is a broad term, so in this sense they would be looking at traffic, social and aesthetic impacts.

R5 - Ordinances**10:24:41 a.m.**

R5A CPS-2 Entertainment

An Ordinance Amending Chapter 142 "Zoning Districts And Regulations;" Article II, "District Regulations", Division 18, "PS Performance Standard District" To Modify Permitted Uses Within The CPS-2 District To Include Non-Amplified Piano And String Instruments Within Restaurant Interiors; Providing For Repealer; Severability; Codification; And An Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(First Reading Public Hearing on June 10, 2015 - R5K)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3948 adopted.** Public Hearing held. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Ballot-vote: 6-0; Absent: Commissioner Wolfson. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, explained that the Ordinance was approved at first reading on June 10, 2015, and it would create the allowance, on a very limited basis, for certain types of entertainment within the CPS-2 District south of Fifth Street, specifically non-amplified piano or string instruments; within the inside of restaurants on the south side of Fifth Street between Michigan Avenue and Alton Road would be allowed through the Conditional Use process. The music would have to be played at a volume that does not interfere with normal conversation and the instruments could only be played during periods when full meals are being served and no later than 2:00 a.m.

Commissioner Malakoff has received comments from residents from South of Fifth neighborhood, and she emphasized that it is non-amplified piano and string instruments, which makes a huge difference. It still has to go through the Conditional Use process.

Commissioner Grieco explained that he is very sensitive to the concerns of the folks South of Fifth and he made sure that SOFNA was involved in the conversations. He spoke with several of their members and explained that this is on the south side of Fifth Street, which is a commercial corridor and a very specific area. It is for pianos and string instruments.

Frank Del Vecchio stated that they have worked closely with restaurants in the area for many years, and they have a very productive working relationship. There is a problem on a small corner South of Fifth, where there are two commercial buildings that have been attempting to lease as restaurants, but there are no adjacent or nearby residential buildings. Each of the two commercial buildings has interior parking. In the event that a restaurant would take advantage of this opportunity, there will be no penetration of destination traffic coming into the South of Fifth community. This is a very isolated segment and there will be no adverse impact on the community; therefore, he is supportive of the item.

Handouts or References Materials:

1. Notice in The Miami Herald Ad No. 1029
2. Notice in The Miami Herald Ad No. 1034
3. Email from South of Fifth Neighborhood Association [sofna@sofna.net] dated July 6, 2015 @ 10:32 AM, Re: City Commission Meeting Bulletin.

10:33:47 a.m.**R5B Bed And Breakfast Prohibition In Palm View Historic District**

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multi-Family Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," To Prohibit Bed And Breakfast Inns Within The Palm View Local Historic District; By Amending Article V, "Specialized Use Regulations," Division 7, "Bed And Breakfast Inns," To Prohibit Bed And Breakfast Inns Within The Palm View Local Historic District; Providing For Codification, Repealer, Severability And An Effective Date. **10:25 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading Public Hearing on June 10, 2015 - R5L)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3949 adopted.** Public Hearing held. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Ballot-vote: 6-0; Absent: Commissioner Wolfson. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, explained that the Ordinance was approved at first reading on June 10, 2015, and it keeps bed and breakfasts inns from being a permitted use within the Palm View District and within the properties.

Paul Freeman, 1776 Michigan Avenue, stated that Sheryl Gold has been very involved in this issue and since she could not be here, she wanted him to attend and just thank everybody and to express their support.

Handouts or References Materials:

1. Notice in The Miami Herald Ad No. 1029
2. Notice in The Miami Herald Ad No. 1032

11:29:52 a.m.**R5C Required Enclosures for Rental Car Facilities**

An Ordinance Amending Chapter 114 "General Provisions," Section 114-1, "Definitions," By Modifying The Definition Of Commercial Vehicle; By Amending Chapter 142 "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations", Division 1, "Generally" To Modify The Requirements For Required Enclosures To Create An Allowance For The Outdoor Exposure Of Rental Car Vehicles; Providing For Repealer; Severability; Codification; And An Effective Date.

10:30 a.m. Second Reading Public Hearing

(Sponsored by Commissioner Jonah Wolfson)

(Legislative Tracking: Planning)

(First Reading Public Hearing on June 10, 2015 - R5M)

ACTION: Title of the Ordinance read into the record. Public Hearing held. Item opened and continued to **July 31, 2015** by acclamation. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Jeff Oris to handle.**

Commissioner Weithorn explained that she reached out to business owners adjacent to this location, and the only vibrancy on that street is restaurants; her concern is that if they have the hedge up, would that potentially impact the neighborhood. She asked if they had reached out to the neighborhoods regarding the issue, and suggested placing motion detector lights to make the residents and businesses more comfortable. She suggested as a courtesy to the proprietors of the block to talk to them and make sure that they are comfortable with that hedge, regardless of

what the Blue Ribbon Committee recommended. Some business proprietors thought that the motion detector light would alert them and would discourage people from hiding in the hedge.

Jeff Oris, Economic Development Division Director, stated that they had not done public outreach.

Rafael Andrade, Esq., representing Sixt Parking, an entity interested in operating; stated that they want to be good citizens and agreed with Commissioner Weithorn's request to reach out to the neighborhood.

Commissioner Wolfson agrees and added that the goal is to get the property that has been vacant for a long time into operation.

Vice-Mayor Tobin is in support to open and continue the item.

Commissioner Weithorn offered her assistance if needed to reach out to the neighborhood.

Handouts or References Materials:

1. Notice in The Miami Herald Ad No. 1027
2. Notice in The Miami Herald Ad No. 1029

10:36:03 a.m.

R5D An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Florida, Entitled "Miscellaneous Offenses," By Amending Article I, Entitled "In General," By Amending Section 70-1, Entitled "State Misdemeanors," By Creating Subsection (c) Which Provides Civil Penalties For The Possession Of Cannabis (Marijuana) For Amounts Under 20 Grams And Possession Of Drug Paraphernalia; And Setting Forth Penalties And Enforcement Responsibilities For A Violation Of Subsection 70-1(c)(1) And (2); Providing For Repealer; Severability; Codification; And An Effective Date. **10:35 a.m. Second Reading Public Hearing**

(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)
(First Reading on June 10, 2015 - ~~R9Q~~ R5S)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3950 adopted.** Public Hearing held. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Ballot-vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Wolfson. **Office of the City Attorney and Police Chief Dan Oates to handle.**

Medical marijuana activist Eric Stevens thanked the Miami Beach Police Department for their response to a recent neighborhood robbery and for their professionalism. He has been in Florida for ten years and wishes this legislation had not taken so long for approval. He gave a brief background on his education, participation and activism on the medical marijuana issue, and how he collected signatures to get a policy in place. He works with patients that suffer from many diseases and the last thing they need to worry about is being arrested. This also gives the Police an option, if people are not causing problems in the community, they can get a citation and not an arrest. He is glad that there is leadership that is progressive on so many issues, whether it is equal rights, or dealing with plastic or Styrofoam in the community and thanked the City Commission.

Commissioner Weithorn urged Eric to keep up the fight on medical marijuana, because many patients leave Florida to be treated elsewhere.

Joseph Jorczak added that as cancer survivor he was recommended medical marijuana. This will free up the Court and Police time, and actually go after the drug dealers that cause the problems.

Commissioner Malakoff emphasized, for the record, that training is very important, since the Police Department has the discretion in what they do, there should not be anything done in any discriminatory way.

Commissioner Grieco stated that this does not inhibit the Police from conducting a search or doing their job. He is on the faculty for the Florida Medical Marijuana Training Center and he is supportive of the Mayor's efforts and the efforts of his colleagues and the Police Chief on this issue. As a criminal defense attorney, he is happy that the City is doing this, as there are many first time offenders that do not deserve to have their booking photo online and have their lives ruined by an arrest for something that is not a crime in many other places. This is a great step the City is taking as a municipality, and he applauds the Mayor for taking the lead on this.

Police Chief Oates stated that they would provide guidance and training to Police Officers. The presumption will be that if someone is in possession of a misdemeanor amount of cannabis, they will be written a civil citation. The training will include public consumption with the charge of crime, any possession associated with a vehicle will be charged, any possession associated with another crime will be charged, and any indicia of intent to sell will be charged.

Handouts or References Materials:

1. Notice in The Miami Herald Ad No. 1037

10:43:59 a.m.

R5E An Ordinance Amending Chapter 66, "Marine Structures, Facilities And Vehicles," Article IV, "Vessels," Section 66-151, "Launching And Hauling," To Authorize The Installation Of "Tow-Away Zone" Signs Along Public Seawalls And To Authorize Towing; Providing For Repealer; Codification; Severability And An Effective Date. **10:40 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco & Mayor Philip Levine)

(Legislative Tracking: Police)

(First Reading on June 10, 2015 - R5O)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3951 adopted.** Public Hearing held. Motion made by Commissioner Grieco; seconded by Commissioner Steinberg; Ballot-vote: 6-0; Absent: Commissioner Wolfson. **Police Chief Daniel J. Oates and Hernan Cardeno to handle.**

Eve Boutsis, Deputy City Attorney, explained that this is a cleanup item that staff missed originally. Previously there was no authorization to allow towing from public seawalls, now it provides for that, and the City is going through the procedure of obtaining the towing company to put up signs and start the process. She added that the Administration directed having an emergency procurement on towing, but is not sure if services are being provided now. The emergency contract was done for the week of July 4th, and the long-term contract is being worked on now.

Discussion held.

Commissioner Grieco stated that this is a huge quality of life issue throughout the City. There are some areas of Miami Beach that are affected more than others are, and help is needed. People are frustrated.

Discussion continued.

Police Sergeant Luis Sanchez explained that over the weekend an e-mail was received regarding the short-term solution allowing them to tow to ensure public safety. The Ordinance for outright towing on the seawall had not been approved yet. If approved, that will be a great tool for them.

Mayor Levine thanked the Marine Patrol for their efforts.

Discussion held.

Hernan Cardeno, Code Compliance Director, stated that they received e-mails with photographs of the water taxi, but they need people to call them as it is occurring. As the Ordinance stands now, they need to have someone to cite in order to remove the boat. If this amendment is approved on second reading, after ten days after the enactment of the Ordinance by the City Commission, Code Enforcement will have the authority to order a vessel towed if the vessel is unoccupied.

Raul J. Aguila, City Attorney, asked if the City Commission needs to approve a second motion authorizing the issuance of a bid to provide vessel-towing services, as he understands that the City does not have a current provider.

Mr. Cardeno stated that there is a short-term provider for this weekend, and they will meet tomorrow and procure a long-term solution with one of the three companies.

Discussion continued.

Raul J. Aguila, City Attorney, clarified that the Ordinance can be adopted, but they need to have the contract in place with the towing companies.

City Manager Morales stated that he had directed staff to do a short-term agreement ending when the procurement contract is in place.

Handouts or References Materials:

1. Notice in The Miami Herald Ad No. 1037

10:50:30 a.m.

R5F Stormwater Pump Stations - DRB Exemption

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, At Chapter 118, Entitled "Administrative And Review Procedures," Article VI "Design Review Procedures, By Modifying Section 118-252, Entitled "Applicability And Exemptions" To Exclude From Design Review Board Review City Applications Relating To Stormwater Pump Stations; Providing For Codification, Repealer, Severability And An Effective Date. **10:45 a.m. Second Reading Public Hearing**

(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney & Planning)
(First Reading on June 10, 2015 - R5P)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3952 as written.** Public Hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Ballot-vote: 7-0. Bring back to the July 31, 2015 Commission Meeting additional items regarding location procedures. **Office of the City Attorney and Thomas Mooney to handle.**

DIRECTION:

- DRB approves the Master Plan from the aesthetics point;
- Planning will participate in the location of the pump station with the Public Works Department;
- The final decision on the location will have to meet engineering standards; and
- Bring back to the **July 31, 2015** Commission Meeting a policy regarding location procedures.
Thomas Mooney to handle.

Thomas Mooney, Planning Department Director, stated that the Ordinance was approved at first reading on June 10, 2015. The Planning Board reviewed the item and by 3-3 vote transmitted the Ordinance back to the City Commission without a favorable recommendation. The Ordinance would exempt from mandatory DRB review Stormwater pumping stations, but would require the approval of a Master Screening Plan for all Stormwater pump stations moving forward. The Administration recommended approval on second reading.

Peter Luria distributed handouts to the City Commission and stated that the Planning Board voted last week to give an unfavorable recommendation to this Ordinance on second reading. People feel they have lost control of their lives to overdevelopment, massive construction, and congestion on the roads. He requested the people to have a say on the locations of the pump stations in their neighborhood. He added that the size of the pump wells are 11 feet by 14 feet high; they are buried underground except for the tops; but the concrete base with the control panel sits above ground. On the Venetians Islands the pump station is 30 feet long by 8 feet wide, by 6 foot high, and the electronic control panel that sits on top of the base is another 6 feet tall. The design for Sunset Islands III and IV is 26 feet in length. There was discussion to redesign it to 18 feet length instead. At 18 feet in length, 8 feet wide, and 6 feet high, without including the 6 feet high control panel, it is still the size of a car. He referred to the aerial image on his handouts and stated the Stormwater pump was originally slated to be located in front of the Sunset Island Historic Bridge. There has been reconsideration to relocate into the west boundary of the park and away from the bridge. He urged the City Commission that in passing the Ordinance to at least carve out Stormwater pump stations located within 375 feet of a historic designated structure or within a public park, and have those go in front of DRB for full review, and let the public have the opportunity to give input.

Commissioner Grieco asked if a pump station goes to DRB, is DRB recommending where the pump stations are to be located, how to make them, or how to make them look aesthetically pleasant?

Thomas Mooney, Planning Department Director, explained that DRB, while they would not exercise that discretion, technically has the authority to move whatever is above ground around; so even if engineers make a decision about a critical location, DRB can technically require relocating. Those issues can be appealed to the City Commission.

Discussion continued.

Commissioner Malakoff suggested hiring a company to look at screening storm pump stations. The electrical panels have to be tall because of various regulations and the chances of flooding during a high surge. They are looking to see if the base can be reduced, but the main thing is that she feels confident that Architect William Lane will find a way of screening and landscaping the Stormwater pump stations, so that they will not be as unattractive as they are today.

Vice-Mayor Tobin asked about the location of the pumps, and stated that the location will be moved from the side of the road to the back end. He is not in support of the idea of eliminating DRB, until someone in staff works on the aesthetics.

Mayor Levine suggested continuing the discussion and voting on this item in the afternoon.

Commissioner Steinberg stated that the DRB is also there for checks and balances, and requested staff to provide alternate options available, if they do not go forward with the DRB process. She is not comfortable voting on the item at this time.

Discussion continued.

Mayor Levine suggested closing the public hearing and asked staff from Planning, Public Works and CIP to come up with a procedure process agreeable by all that does not include the DRB and bring back the proposal and the item in the afternoon.

Commissioner Weithorn will not support this in its current form; this is a substantial change and it is no longer second reading.

Discussion continued.

Commissioner Grieco asked if someone could hold them in litigation over the design of a pump and City Attorney Aguila answered in the affirmative.

Mayor Levine requested that the item be brought back in the afternoon with a process and location procedure to pass on second reading.

Raul J. Aguila, City Attorney, stated that the item could be adopted on second reading, provided that they have no substantial changes that would affect the title of the Ordinance. If new language is added so that the title that was advertised is no longer descriptive of what they are adopting, then they have to open and continue the item to a future meeting.

Discussion continued.

City Manager Morales stated, for the record, that in all these projects there was constant, ongoing communication with the neighborhoods. They walked the site with Peter Luria and he gave direction to staff to relocate the pump; however, Sunset Islands III and IV are still debating where they want to put it and whether they want a circle or not. Projects are never ecstatic. The City is in constant communication with the neighborhoods. He does not want the Commission to think that staff is not listening to the community; in fact there is tremendous interaction between staff and the neighborhoods with these projects.

Mayor Levine suggested bringing back in the afternoon the process on location of the pumps with a recommendation from staff, to be approved or not by this City Commission.

Discussion held.

Vice-Mayor Tobin suggested having a City staffer, who is more of a design person than an engineering person, do a review and sign off as done in the most aesthetically, appropriate manner, and state if landscape is needed or not. He rather have a process where they do the best they can.

Mayor Levine stated that the City Manager has an outreach program. In some communities, a decision cannot be made, and in that case, flooding will occur. The issue is not aesthetics, but location. They want to come up with a fair and speedy process for location of the pumps that does not encumber the process. He is suggesting that they come back to the City Commission for

approval of the location, or it can be approved at committee first and then to the City Commission, but it does not delay this.

Discussion continued.

Raul J. Aguila, City Attorney, regarding locations, stated that they agree that the screening apparatus or "lipstick" of the pumps would be reviewed by the DRB.

Eve Boutsis, Deputy City Attorney, stated that there is a Public Works manual, and an LTC relating to the procedures for Public Works, in circulation. That policy can be amended, and as part of the review of the pump stations, Planning can be involved with the discussion, and it can be done internally without changing the Ordinance. This might work where they can negotiate the best location for the area and the aesthetics. They can bring this policy back on July 31, 2015. Mr. Mooney stated that if there were different options regarding suitable locations in an area, Planning would participate and come up with the option that has the least impact in the different areas.

Mayor Levine is comfortable with that and asked for consensus.

City Attorney Aguila, stated that if the City Commission is comfortable with the process, to accept the Ordinance on second reading and bring the plan for approval at the July 31, 2015 Commission Meeting. He stated that the first motion would be to move the Ordinance as presented.

Moved by Commissioner Malakoff; seconded by Commissioner Grieco.

Vice-Mayor Tobin asked for clarification. He suggested that if it is not DRB, staff should individually look over the aesthetic and the location.

City Attorney Aguila clarified that Public Works will determine the specifications for the pumps, as Public Works know what type of pump is needed to address the flooding issues in a particular area. DRB will look at the aesthetics with regards to screening that pump. DRB will not be looking at the pump as far as specs. As a secondary motion in passing this Ordinance, what this City Commission will be doing is instructing the Planning Director and the Public Works Director to formulate a plan with regard to the location of these pumps.

Discussion continued.

Mr. Mooney stated that the DRB approves the Master Plan from the aesthetics point, and under this new procedure, Planning will participate in the location of the pump station with the Public Works Department. The final decision on the location will have to meet Engineering standards, but if there are different options, Planning will participate and come up with the option that has the least impact in the different areas.

Handouts or References Materials:

1. Notice in The Miami Herald Ad No. 1037
2. Copy of email from Peter Luria peterpl@bellsouth.net Re: Location of Stormwater Pump in Sunset Island 4 Park, dated July 2, 2015 showing aerial image of Sunset Island Bridge.

11:14:52 a.m.

R5G An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," Article II, Entitled "Public Places," Division 3, Entitled "Alcoholic Beverages," By Amending Section 70-87 Thereof To (1) Clarify That The Consumption, Service, Sale, Or Possession Of Open Containers Of Alcoholic Beverages At Sidewalk Cafés Is Only Permitted During The Hours Set Forth In Chapter 6 Of The City Code, (2) Clarify That Alcoholic Beverage Establishments Shall Not Allow Any Person To Take From The Premises Any Opened Alcoholic Beverage Container Or Any Open Or Unsealed Container Of Alcoholic Beverages, And (3) Amend The Enforcement And Penalty Provisions; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:50 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)
(First Reading on June 10, 2015 - R5Q)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3953 adopted.** Public Hearing held. Motion made by Commissioner Grieco; seconded by Vice-Mayor Tobin; Ballot-vote: 7-0. **Office of the City Attorney to handle.**

Mike Palma, General Manager of The Clevelander, stated that sidewalk cafés are closing at 2:00 a.m., but they still have people walking around with open containers. He complained that there is not enough enforcement and there are not enough resources to do the job. This does not make sense to him. He wants to know how the City is going to enforce the rules on the books, instead of putting punitive damages that affect the tourists that are paying and the businesses.

Commissioner Grieco stated that the Miami Beach Police Department is reinstating the way the Entertainment District used to be patrolled, by expanding a Police Bicycle Squad, which they currently do not have. There has been a rededication to the enforcement in the Entertainment District. He agrees with Mr. Palma 100% and thinks enforcement by the Police more than Code is essential.

Discussion held.

Deanne Connelly Graham, Executive Board Member, Florida Restaurant and Lodging Association (FRLA), informed that the FRLA is happy to partner with the City to ensure South Beach is clean, yet not lose its branded image. The FRLA would like a voice in the solutions and alternatives that are business friendly as well as good for the City. FRLA members are the heart and soul of the economic livelihood of South Beach, and have a greater interest in preserving the worldwide image of South Beach as the place to be and be seen. FRLA would like to be included in the process when the City affects its members. They believe the City should focus on enforcing existing laws. Any recommendations to clean up the City should first be followed by a study to identify the cause of the deterioration and then a corrective solution addressed to improve the problem. They respectfully ask to be involved with the Mayor's Ocean Drive Task Force.

Steve Polisar stated that the City is at crossroads with the hospitality industry; he suggested that the City create a hospitality charrette or group meeting for the owners of businesses and the entire industry. Government makes a difference. The government is a key factor and the City needs a better approach.

Discussion held.

Raul J. Aguila, City Attorney, clarified for the public and those watching on TV that this law has been on the books for years; the City is simply enforcing stricter penalties for violations of this

law, but this is not a new law. It is disingenuous that the City Commission is addressed as if it is doing something that has not already been in existence for years. What Commissioner Grieco has done is bring the penalties up to what they should be, since they have not been touched or looked at for years.

Mr. Polisar agreed with City Attorney Aguila, and added that other rules should be also reviewed and be properly enforced and they should take the time to do so.

Frank Del Vecchio stated that the City Attorney hit the main issue right on the head; there has been a prohibition on open consumption of alcoholic beverages; however, there is one word that has been changed that is of concern. Up until now, a sidewalk café proprietor was not to knowingly permit a patron to take a cup of alcohol outdoors; this Ordinance proposes an absolute liability on the part of the alcohol beverage establishment, when a customer (without the café proprietor's knowledge) walks away with an open container. He asked if this language was intended and City Attorney Aguila answered in the affirmative.

City Attorney Aguila explained that the Ordinance was toothless and that there was no way to enforce the "knowingly" standard. In order to provide stricter penalties, Police and Code Officers need the ability to enforce it. The Ordinance applies Citywide.

Discussion held.

Commissioner Weithorn asked for an explanation of what the process is when a customer is found at an empty sidewalk café table with an open container of a single can of beer. Does the proprietor have to request the person to leave and then call the Police (and have the person cited for trespass) in order not to be cited for someone else's activity? What does the café proprietor do to protect itself?

Raul J. Aguila, City Attorney, explained that if a customer sits at a sidewalk café with an open container without any intent to buy or consume food and beverages, then the sidewalk café owner has the absolute right to not treat that person as a patron of the establishment and ask that person to leave, and if that person leaves and is drinking an open container on public property, that person is subject to citation. He would think that the restaurant or sidewalk café operator would monitor this and would not want the tables filling up with people that are not their paying customers.

Discussion continued.

Vice-Mayor Tobin added that the laws in the books are not all enforced as aggressively.

Handouts or References Materials:

1. Notice in The Miami Herald Ad No. 1037

11:34:3 a.m.

R5H An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article II, Entitled "City Commission," By Amending Section 2-11, Entitled "Time Of Regular Meetings" And Section 2-12, Entitled "Meeting Agendas," By Amending The Requirements And Procedures Relating To City Commission Meetings And Agendas; Providing For Repealer, Codification, And An Effective Date. **10:55 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Jonah Wolfson)
(Legislative Tracking: Office of the City Attorney)
(First Reading on June 10, 2015 - R5R)

ACTION: Title of the Ordinance read into the record. **Ordinance 2015-3954 adopted as amended.** Public Hearing held. Motion made by Commissioner Grieco; seconded by Commissioner Wolfson; Ballot-vote: 5-2; Opposed: Commissioners Tobin and Weithorn. **Office of the City Attorney and Office of the City Clerk to handle.**

Amendment:

"Notwithstanding the foregoing, no member of the City Commission shall be precluded from sponsoring an Ordinance or Charter amendment on the same subject matter, but with terms or text different in any way."

Frank Del Vecchio stated that this Ordinance is part of a movement to regularize the City Commission Meetings, to have transparency on items so the public knows, and to have some regularity on how matters are submitted to be heard. His concern is on Section 2-12(b). His concern is the way he reads it is that if a separate Commissioner had something else in mind for the same subject matter, and wanted to submit his own Ordinance that differed in how the subject matter would be treated; the other Commissioner would prevent a second Commissioner from weighing in. He suggested including a clause to prevent this.

Raul J. Aguila, City Attorney, clarified that if a Commissioner is introducing a Charter Amendment or an Ordinance with a different approach, in his opinion, it would be a different subject matter, and it would not be a co-sponsor, it would be an independent sponsored Ordinance.

Mr. Del Vecchio recommended adding the following clause: "notwithstanding the foregoing, no member of the City Commission shall be precluded from sponsoring an Ordinance or Charter Amendment, irrespective of whether another member of the City Commission is designated as primary sponsor or co-sponsor of an Ordinance or Charter Amendment in the subject matter."

City Attorney Aguila stated that the language is confusing and the way it is read can be broad. He read the following into the record: "no member of the City Commission shall be precluded from sponsoring an Ordinance or Charter amendment, irrespective of whether another member of the Commission seeks to be a primary sponsor or cosponsor."

Discussion continued.

Commissioner Wolfson added that the way he interprets the Ordinance is that a co-sponsor is someone that is co-sponsoring identical legislation; but if one word is changed, then you can proposed a different Ordinance and you are not a co-sponsor at that point.

Discussion continued regarding clause clarification.

Commissioner Wolfson suggested adding language "that a Commissioner may propose his/her own legislation."

Discussion held.

City Attorney Aguila read amended language into the record: *"Notwithstanding the foregoing, no member of the City Commission shall be precluded from sponsoring an Ordinance or Charter amendment on the same subject matter, but with terms or text different in any way."*

Discussion continued.

Handouts or References Materials:

1. Notice in The Miami Herald Ad No. 1037
2. Email from Frank Del Vecchio <fdelvecchio@atlanticbb.net> dated July 4, 2015 @ 3:42 PM, Re: Reject Ordinance That Subordinates One City Commissioner To Another [Item R5H, July 8 Commission Agenda] with attachments.

12:05:17 p.m.

12:07:58 p.m.

R5I Ocean Terrace Overlay - Comprehensive Plan And LDR Amendments

1. Comprehensive Plan - Ocean Terrace Overlay

An Ordinance Amending Policy 1.2 Of The Future Land Use Element Of The Comprehensive Plan Pursuant To The Procedures In Section 163.3184(3), Florida Statutes, By Modifying The Medium Intensity Commercial Category (CD-2) And The Mixed Use Entertainment Category (MXE) To Establish The 'Ocean Terrace Overlay' In Order To Allow For An F.A.R. Of 3.0 Within Its Boundaries; Providing For Repealer; Severability; Codification; And An Effective Date. **11:00 a.m. First Reading Public Hearing**

(Sponsored by Commissioner Jonah Wolfson And
Co-Sponsored by Commissioners Michael Grieco, Joy Malakoff & Deede Weithorn)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Public Hearing held. Item opened and continued to **July 31, 2015** by acclamation. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to handle.**

Discussion held regarding public hearing.

Commissioner Steinberg asked the public if anyone is present to speak that will be unable to attend the Commission Meeting on July 31, 2015, to come up at this time.

Discussion continued regarding public hearing time.

Commissioner Weithorn stated, for the record, that the public came out and they have the right to be heard. She suggested that the Public Hearing will not be complete until they have the opportunity to speak.

Francisca Medina stated that Ocean Terrace is part of the historic district and adds to the attractiveness of the area. All buildings, except for one, are historically contributing; the current plans for the developer requiring a height increase, would demolish these historic buildings. While plans have been shown to some, many neighbors have not seen any renderings yet. They want to protect and renovate the architecture to keep the historic charm of the community. She is not

anti-development, but the existing height limits do not need to be raised. Minimal requirements must be preserved. She wants to see renderings showing what will be replacing existing homes. She wants to know how the City protects them so that this does not happen again.

Clotilde Luce stated that the City Commission is slowly dilapidating and diluting the visual "Postcard" of what makes MiMo and Miami Beach unique. She spoke about up zoning and residents not being shown intermediate remedies that could be taken to improve what is lacking, and by up zoning or pushing this forward to a ballot, the City is opening a dangerous door. She asked that if donations are free speech, she wants to know how much free speech this developer has donated or committed for every project that comes up.

Susan White realizes the issue of economics, but they are on the cusp of another crash; there are 100 new high-rises, in either construction or being planned for construction. Ocean Terrace is a beautiful area, and this is a detriment to the people that live in North Beach. It will block the view of other high-rises that are further in; specifically her building, and she will not be able to see the ocean anymore. She is concerned that if they are built, who is going to mind them. It is a seller's market for single-family homes, and a buyer's market for sale of condominiums. She does not want to see this on Ocean Terrace.

Tracy Paul thanked the City Commission for a great Fourth of July. She understands that this is a challenging issue. She wants to focus on 73rd and 74th Streets; if this moves forward, she wants to make sure that this has been given proper notification. They need to be very careful, once a building is gone, "it is gone." It will affect more blocks, and Ocean Terrace will be gone and look like all other areas. At the Land Use and Development Committee the developer stated that they should do this because it has been done all over Miami Beach. She urged careful consideration before moving with this item.

Brad Benezy has concerns because the project has support for the developer and needs the FAR to get his money back. At the Land Use and Development Committee (LUDC), they discussed what they would like to see done with the property. The 200 feet tall 16-story max gives 12-foot ceilings that they need on a 10,000-foot pedestal including balconies, which was recommended at LUDC. The balconies could be 15 feet. The developer is looking for 15,000 pedestals. St. Tropez is 6,000-foot pedestal. He urged the City Commission to sit back and require the adherence of the required 50-foot setback.

Beatriz Nogales echoed what the previous speakers had said; this is a historical site that will be lost, and once started, there is no stepping back. She strongly opposes this item.

Katherine Hoover stated that she is opposed to the passage of this proposal at this time because she does not understand why this is being removed from the Master Plan. Her understanding is that the City invested a great deal of money, and the Mayor called the Blue Ribbon Panel to find the right Master Planners to develop a coherent, cohesive and sustainable development plan for North Beach. Why push this through when the Master Planners have just been approved. They now have the team in place and the capability of developing a real Master Plan that will fundamentally shape the future of North Beach. To shove this in on the site beforehand seems questionable. For the sake of transparency and voter confidence in the City, stick to your own goals. The goal was a coherent, strong plan, let them have that; let the experts weigh this, review it and integrate it into a large scale, long-term thoughtful plan.

Dr. David Golomb opposed the plan as suggested. No one is against development. They want to see North Beach thrive and prosper, but they want to remind the Commission that they are a working class and middle class neighborhood, and they will be impacted. He urged not to be

seduced by the money being thrown around. He is also concerned that this will link up with the Altos del Mar development and mark the death of the library property. They are concerned that the plans are not based in reality. They have no idea what this development is going to look like.

Kurt Pascal is happy that the developer is investing in North Beach, but the residents of North Beach are against high rises. As a 15-year resident of this community, who loves his community very much, he wants to ask questions and to have input on the plan that could conceivably destroy what are the most alluring spots of North Beach. He stated that it is frustrating that as this plan has moved along with very little public input, is the fact that nobody on any of the boards has attempted to moderate the height, to try to protect the character that makes the neighborhood unique.

Charles Urstadt stated that he has watched numerous TV ads with Mayor Levine and improvements made to Miami Beach. He sees a Miami Beach that appears to favor connections and money. David Custin is the political consultant who helped Mayor Levine and Commissioners Grieco and Malakoff in their campaigns. David Custin also joined with Commissioner Wolfson to form a group that has raised hundreds of thousands of dollars from developers, which are behind the commercials. David Custin is a consultant of the overdevelopment on Ocean Terrace and the campaign manager for some of the 2015 candidates. There is an appearance of conflict that cannot continue. Mayor Levine and Commissioners Malakoff, Grieco and Wolfson should remove themselves from this debate. The remaining Commissioners need to turn the proposed zoning changes to an independent panel to examine zoning changes for all of Miami Beach. They should examine how these proposals fit in for the good of North Beach and Miami Beach.

Salvatore Guerrera lives in the area, and has experienced the decline of Ocean Terrace during the years. The intent of the zoning was to preserve the district. He believes a change is needed, but his property will be impacted tremendously. If this passes as proposed, there is exclusion in the amendment for properties like his, and he would be forced to sell or get out.

Neisen O. Kasdin, Esq., representing Ocean Terrace Holdings, reserved his substantive comments for the continued hearing, but reported that 1) the item is being continued because in the course of the public process further restrictions have been imposed on the proposed new zoning; two of them include reducing the allowable commercial over what is presently allowable, and imposing use restrictions that currently do not exist; as a result of that, the title of the Ordinance has changed and needs to be re-advertised and be heard again at the June 29, 2015 Commission Meeting. As a result, they have asked for the vast number of supporters in North Beach not to appear today. This will not affect or diminish the historic zoning for Ocean Terrace. Those individuals opposing these legislative changes should keep an open mind and understand that what is being proposed is necessary for the revitalization of Ocean Terrace.

Mayor Levine stated, for clarification, that this body cannot accept or decide any changes, since this is going to go to the people for a vote.

City Attorney Aguila clarified that if the City Commission adopts the Ordinances, the FAR increases as proposed by the developer and part of the project, is subject to a Referendum.

Brad Benezy spoke.

City Attorney Aguila stated that under the Charter the proposed increase in FAR is the only thing that the voters can vote on. All other issues will be addressed in the legislation.

Discussion held.

Frank Del Vecchio asked if members of the community will have the opportunity to speak at the July 31, 2015 Commission Meeting.

Mayor Levine stated that the Commission will listen to both sides.

Handouts or References Materials:

1. Notice in The Miami Herald Ad No. 1036
2. Notice in The Miami Herald Ad No. 1037
3. Email from Frank Del Vecchio fdelvecchio@atlanticbb.net dated July 7, 2015 Re: Ocean Terrace Zoning. R5I.

12:05:17 p.m.

2. Ocean Terrace Overlay - LDR Amendments

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article III "Overlay Districts", Creating Division 10 "Ocean Terrace Overlay", To Modify The Applicable Setbacks And Allowable Encroachments, Increase The Allowable Height To 250 Feet For Residential Uses And 125 Feet For Hotel Uses, Increase The Allowable Floor Area To 3.0, To Limit The Maximum Floorplate Of The Tower Portion Of New Buildings, To Provide A Minimum Building Separation For The Tower Portion Of New Buildings, To Modify The Allowable Main, Conditional And Accessory Uses; Providing For Repealer; Severability; Codification; And An Effective Date.

11:00 a.m. First Reading Public Hearing

(Sponsored by Commissioner Jonah Wolfson And
Co-Sponsored by Commissioners Michael Grieco, Joy Malakoff & Deede Weithorn)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Item opened and continued to **July 31, 2015** by acclamation. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to handle.** See discussion with item R5I-1.

Handouts or References Materials:

1. Notice in The Miami Herald Ad No. 1036
2. Notice in The Miami Herald Ad No. 1037

R5J MXE Setbacks

An Ordinance Amending The Land Development Regulations (LDR) Of The City Code, Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations", Division 13, "MXE Mixed Use Entertainment District," At Section 142-547, "Setback Requirements," By Amending The Setback Requirements To Include Separate, Reduced Setback Requirements For Commercial Buildings That Do Not Contain Any Hotel Or Residential Units; Providing For Codification; Repealer; Severability, And An Effective Date. **First Reading**

(Sponsored by Commissioner Jonah Wolfson)
(Legislative Tracking: Planning)
(Deferred from June 10, 2015 - R5N)

ACTION: Item deferred to the September 2, 2015 Commission Meeting. Lilia Cardillo to place on the City Commission Agenda. **Thomas Mooney to handle.**

Rafael E. Granado, City Clerk, stated, for the record, that Commissioner Wolfson, the sponsor of the item, has requested that the first reading of the Ordinance be deferred to the September 2, 2015 City Commission Meeting.

Handouts and Reference Materials:

1. Email from Jonah Wolfson dated July 1, 2015 RE: MXE Setbacks Ordinance requesting referral of item to the September 2 Commission Meeting.

9:43:53 a.m.

R5K Incentives For Architecturally Significant Single Family Homes

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," Section 142-108, "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts;" By Amending The Requirements And Procedures For The Retention Of Architecturally Significant Single-Family Homes; Providing For Codification; Repealer; Severability; And An Effective Date.

First Reading

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot-vote: 6-0; Absent: Commissioner Wolfson. Second reading, public hearing scheduled for **September 2, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to handle.**

City Clerk's Note: Commissioner Grieco was away from the dais when roll call was taken. Upon his return, he communicated his affirmative vote to the City Clerk.

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Malakoff; seconded by Commissioner Weithorn, to accept the Land Use and Development Committee's recommendation of this Ordinance.

Thomas Mooney, Planning Department Director, introduced the item. This item would amend Section 142-108 of the City Code pertaining to architectural single-family homes. Currently, there are incentives for pre-1942 and pre-1966 homes if the owners want to retain them. These particular incentives extend to single-family homes that may elect to designate them as a historic structure; however, if a home was designated as historic and was located in a local historic district, then they could take advantage of the incentives. Because the home was already in a historic district, it has that level of protection, and it was seen as something a little overdone. An amendment was proposed to exempt homes already located in a local historic district from these incentives.

Commissioner Malakoff stated that homes in a local historic district are the fabric that makes up the neighborhood.

9:48:53 a.m.**R5L Demolition Procedures For Pre-1942 SF Homes**

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," Section 142-108, "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts;" By Amending The Requirements And Procedures For The Issuance Of A Demolition Permit Prior To The Issuance Of A Full Building Permit For Architecturally Significant Pre-1942 Single Family Homes; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot-vote: 6-0; Absent: Commissioner Wolfson. Second reading, public hearing scheduled for **September 2, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Malakoff; seconded by Commissioner Grieco, to accept the Land Use and Development Committee's recommendation of this Ordinance.

Thomas Mooney, Planning Department Director, introduced the item. This Ordinance will change the demolition threshold to match the threshold set by historic structures requiring different benchmarks that must be met, such as a building permit process number, building permit application reviewed and accepted by the Planning Department, tree survey, and demolition application.

Commissioner Malakoff stated that she agrees with this Ordinance because there needs to be more control on home demolition throughout the City. She added that trees also need to be preserved and material recycled.

Commissioner Weithorn stated that the amount of concrete used in the backyards needs to be restricted.

9:53:03 a.m.**R5M Single Family Home Development Regulations For Lot Splits**

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending The Maximum Unit Size And Lot Coverage For All Homes On Lots Resulting From A Lot Split; Providing For Repealer; Codification; Severability; And An Effective Date. **First Reading**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot-vote: 6-0; Absent: Commissioner Wolfson. Second reading, public hearing scheduled for **September 2, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Malakoff; seconded by Commissioner Weithorn, to accept the Land Use and Development Committee's recommendation of this Ordinance.

Thomas Mooney, Planning Department Director, introduced the item and explained that currently when a lot split is approved, new lots have the potential of going 50% unit size and 30% lot coverage. This Ordinance would create restrictions for certain lot split approvals, such as those that do not follow the plotted lines, and where a pre-1942 architectural significant home will be demolished. This Ordinance would also restrict maximum unit size and lot coverage.

Commissioner Malakoff stated that it is important that this goes forward as large homes are being built on split lots, taking away the green spaces.

09:56:04 a.m.

02:32:39 p.m.

R5N CD-3 Architectural District Parking Garage Heights

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 6, "CD-3 Commercial High Intensity District," By Amending Section 142-337, "Development Regulations And Area Requirements", To Clarify And Amend The Maximum Height Requirements; Providing Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Malakoff; seconded by Commissioner Grieco to adopt the Ordinance on first reading. Second reading, Public Hearing scheduled for the **September 2, 2015** Commission Meeting. Voice-vote: 5-2; Opposed: Commissioners Steinberg and Weithorn. Rafael E. Granado to notice. Lilia Cardillo to place on the September 2, 2015 Commission Agenda. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Malakoff; seconded by Commissioner Grieco, to accept the Land Use and Development Committee's recommendation of this Ordinance. Voice-vote: 5-0; Opposed: Commissioners Steinberg and Weithorn.

Commissioner Weithorn stated that she would continue to vote no on anything that increases intensity in the City, and asked to wait for Commissioner Wolfson to arrive at the City Commission Meeting before hearing the item.

Monika Entin, Esq., suggested waiting until Commissioner Wolfson arrived at the City Commission Meeting if possible.

02:32:46 p.m.

Monika Entin, Esq., explained that this is an item amending the height to the CD-3 area, specifically on James Avenue between 17th Street and Lincoln Road. The South side of Lincoln Road allows for 100 feet in height, which is the City Center. 17th Street allows for 80 feet in height, which is just under the Code. She is requesting that the area between the South side of Lincoln Road and James Avenue increase to 75 feet with HPB approval to allow a parking garage. Ms. Entin explained that Vice-Mayor Tobin had concerns about intensification of the area and they tried to ensure that the amendment took into account the intensification, taking into

account that the garage has five levels of parking, and 250 excess parking spaces that are not confined to the uses within the garage. They also looked at the fabric of the entire neighborhood block. She detailed the specifications of the garage, and compared its height to several buildings that are of similar height around the area.

Commissioner Malakoff asked for clarification on the garage's valet parking.

Monika Entin, Esq., stated that this garage will be 100% valet parking, but it will not be exclusive to area hotels or restaurants; any individual in the neighborhood can choose to park in the garage, as long as they use the valet service.

Discussion held regarding parking spaces for public use.

Commissioner Grieco is supportive of this item, and stated that valet parking garages work efficient in other cities and will work in this neighborhood.

Discussion held regarding the parking garage, including its retail, rooftop restaurant and interior garden area.

Vice-Mayor Tobin stated that he originally opposed the garage, but after speaking to Mr. Mooney, he now supports it. He asked about the west side setbacks on James Avenue.

Thomas Mooney, Planning Department Director, stated that the Administration recommended a minimum setback for properties such as this one of at least 75 feet from either Collins or Washington Avenues, but the portion on James Avenue would be at a zero setback. He mentioned that the building still requires HPB approval.

Motion made by Commissioner Malakoff; seconded by Commissioner Grieco. Ballot vote: 5-0; Opposed: Commissioners Steinberg and Weithorn.

Commissioners Steinberg and Weithorn explained the reason for their opposition is mainly due to building height.

Commissioner Steinberg stated that parking is absolutely needed; however, they can build a garage up to 50 feet high, and she does not believe they should go the additional two stories in that district.

Commissioner Weithorn is concerned that it is seven stories rather than five stories, so the neighborhood has been intensified, and she is not convinced that our residents are accustomed to valet only garages – many individuals like the ability to park their own cars. Commissioner Weithorn feels that they have just given the building valet parking exclusively for the businesses that are already there. Commissioner Weithorn does not believe an exception should have been done for that.

Discussion continued.

Mayor Levine stated that after some consideration, he might change his vote on second reading, because he believes valet parking may be exclusionary.

Commissioner Malakoff stated that valets are used, because the lanes in the garage are narrow, and it is safer to use valet parking.

Monika Entin, Esq., stated that there is already a valet parking garage in Miami Beach on 20th Avenue.

Beth Emerson spoke against valet garages, and gave an example of her car being damaged in a New York City valet garage.

Handouts or Reference Materials:

1. Email from Daniel Ciraldo dgc223@gmail.com dated July 7, 2015 RE: C4F with images attached.

09:57:10 a.m.

R50 An Ordinance Amending The Code Of The City Of Miami Beach By Amending Chapter 66, Entitled "Marine Structures, Facilities And Vehicles," By Amending Article II, Entitled "Restricted Wake Zones," By Amending Section 66-43, Entitled "Restricted Areas," By Amending Subsection B Thereof Regarding The Idle Speed, No Wake Zones By Adding An Idle Speed, No Wake Zone In The Area Of The Miami Beach Marina And Amending The Appendices To Section 66-43, Accordingly; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Environment & Sustainability)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Ballot-vote: 6-0; Absent: Commissioner Wolfson. Second reading, public hearing scheduled for **September 2, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney and Elizabeth Wheaton to handle.**

City Clerk's Note: Commissioner Malakoff was away from the dais when roll call was taken. Upon her return, she communicated her affirmative vote to the City Clerk.

Raul J. Aguila, City Attorney, stated that in 2012 the City Commission established a no wake idle speed zone for the Sunset Harbor Yacht Club. At this time, they are doing it for the area adjacent to the Miami Beach Marina known as the Malloy channel, which is the channel between the Marina and U.S. Coast Guard Causeway Island.

Mayor Levine stated that as a boater he has noticed the incredible speeds people are coming in from the ocean to the Marina. The Marina and the Coast Guard are in support of this item.

Discussion held.

Vice-Mayor Tobin suggested that the Police Department might need a more robust Marine Patrol unit in the future.

Margarita Wells, Environmental Resources Manager, stated they have spoken to Marine Patrol and they will come to the City Commission Meeting for the second reading of the Ordinance.

9:59:55 a.m.

R5P An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Entitled "Environment," By Creating Article VI, To Be Entitled "Expanded Polystyrene Sale And Use Restrictions," To Provide Regulations For The Sale And Use Of Expanded Polystyrene Food Service Articles, And To Provide For Enforcement, Penalties, And Waivers For Financial Hardship; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Environment & Sustainability)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Grieco; seconded by Commissioner Weithorn; Ballot-vote: 6-0; Absent: Commissioner Wolfson. Second reading, public hearing scheduled for **September 2, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Elizabeth Wheaton to handle.**

Commissioner Grieco explained that they have been expanding the prohibition of polystyrene throughout the City. It was first prohibited in City operations, then parks, followed by the marinas. He believes it is time for a Citywide ban. Many municipalities have done so already. There will be a yearlong grace period for businesses to stop selling Styrofoam products. He listed the businesses that have voluntarily stopped selling Styrofoam.

Mayor Levine commended Commissioner Grieco for his efforts; this is a tremendous environmental lead.

10:03:39 a.m.**SUPPLEMENTAL MATERIAL 3: ORDINANCE**

R5Q An Ordinance Amending Chapter 18 Of The Miami Beach City Code, Entitled "Businesses," By Amending Article VIII, Entitled "Parking Lot," By Amending Division I, Entitled "Generally," By Amending Section 18-310, Entitled, "Requirements For Issuance Of License," By Requiring A Notarized Letter Before Issuance Of Valet Parking License; By Deleting Section 18-311, Entitled, "Employers And Valet Operators Code Of Conduct," And Creating A New Section 18-311, Entitled "Operation Of Service," By Removing Language That Allowed The Leasing Of Municipal Spaces; By Removing Section 18-312, Entitled, "Operation Of Service;" By Deleting Section 18-313, Entitled, "Special Event Permit;" By Deleting Section 18-314, Entitled, "Enforcement, Fine Schedule, And Right Of Appeal;" By Deleting Section 18-315, Entitled, "Compliance Date;" By Amending Division 2, Entitled, "Valet Parking Permits For Use Of Public Property," By Amending Section 18-336, Entitled, "Separate Permit Required," Authorizing Consolidation Of Valet Parking Ramps And Identifying The Types Of Uses For Space Rental Valet Parking; By Amending Section 18-337, Entitled, "Requirements," Which Establishes Submission Standards For A Valet Parking Operational Plan; By Deleting Section 18-339, Entitled, "Cancellation And Revocation;" And Creating A New Section 18-339, Entitled, "Private Storage Of Valet Vehicles," Which Requires The Parking Director To Confirm Sufficient Rental Storage Capacity; By Creating A New Section 18-340, Entitled, "Employees And Valet Operators Code Of Conduct" That Establishes The Code Of Conduct Standards For Valet Operators And Their Employees; By Creating A New Section 18-341, Entitled, "Operation Of Service," Which Requires The Identification Of Rented Spaces, Ramping, On-Call Valet Ramps, Storage And Valet Parking Street Furniture; By Creating A New Section 18-342, Entitled, "Exceptions," That Permits Valet Service In Residential Zoned Areas; By Creating A New Section 18-343, Entitled, "Penalties And Enforcement, Fine Schedule, Right Of Appeal," And Further Amending Division 3, Entitled, "Rentals," By Amending Section 18-361, Entitled, "Rental And Operation Of Municipal Parking Spaces," Which Modifies The

Permissible Operations Of Public Spaces For Ramping; And The Deletion Of Section 18-362, Entitled, "Rental Of Additional Parking For Storage Of Vehicles," Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Parking)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Grieco; seconded by Vice-Mayor Tobin; Ballot-vote: 6-0; Absent: Commissioner Wolfson. Second reading, public hearing scheduled for **September 2, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Saul Frances to handle.**

Amendments:

- ✓ Each valet parking ramp will be composed of no less than two and no more than four parking spaces, with the ramp size to be determined at the discretion of the Parking Director;
- ✓ Public space or property cannot be used for storage of valet vehicles; language will be incorporated to state that there cannot be valet parking among other things in metered spaces or spaces reserved under residential zones;
- ✓ Friendly amendment by Commissioner Malakoff to add hospitals, including rehabilitation facilities and medical services, to the permissible uses for valet parking;
- ✓ No valet ramp can be assigned without approval of the City Manager; and
- ✓ Friendly amendment by Commissioner Weithorn in regards to the assignment of the permits, even though permits are assigned for only one year, there can only be an assignment with the prior written consent of the City Manager.

Commissioner Grieco explained that last year he raised concerns regarding the operation of valet parking and the negative impact it has had on traffic flow and quality of life of residents and visitors. He has been working with Parking Director Saul Frances in drafting this Ordinance, and he asked the City Attorney to read the amendments into the record.

Raul J. Aguila, City Attorney, read the following amendments to the Ordinance that will be incorporated between first and second reading: 1) each valet parking ramp will be composed of no less than two and no more than four spaces, with the ramp size to be determined at the discretion of the Parking Director; 2) public spaces or public property cannot be used for storage of valet vehicles; they will incorporate language throughout the Ordinance that there can be no valet parking among other things in metered spaces or spaces reserved under residential zones; 3) a friendly amendment was proffered by Commissioner Malakoff to add hospitals to the permissible uses eligible for valet parking, including rehabilitation facilities and medical services under Section 18-336 as accepted by Commissioner Grieco; 4) no valet ramp can be assigned without approval of the City Manager; 5) a friendly amendment was proffered by Commissioner Weithorn in regards to the assignment of the permits, even though permits are assigned for only one year, and Commissioner Grieco accepted the amendment, provided that there can only be assignment with the prior written consent of the City Manager.

Commissioner Grieco added that between first and second reading he will discuss with the Office of the City Attorney to enhance the fines schedule and address whether some of the penalties might apply to business operators. Existing valet ramps will be grandfathered in, but the goal is to decrease the number of valet ramps on a block, account for more parking and increase enforcement. When people apply for a valet permit, they have to state where they are picking the cars up from, where are they storing them, and what route they are taking. This will prevent valets from worsening traffic congestion and limiting parking.

Saul Frances, Parking Department Director, added that between first and second reading, they may have, because the City is trying to reduce the number of valet ramps per block and only allow them at new service that do not have existing service, there may be a run in the industry to try to garner licenses now to expand before the Ordinance is adopted on second reading, if adopted; and he asked for policy direction. He has currently been trying to hold the line and not expanding additional service on existing blocks that have valets.

Commissioner Grieco thinks that the policy direction should be to reverse and pause on future applications. Any business can have a valet permit, so valet companies go and solicit businesses to open ramps. In addition to passing this on first reading, if there is consensus, he suggested giving policy direction to leave it completely within the Parking Director's purview to decide whether or not he wants to accept any applications and he can use his discretion.

Vice-Mayor Tobin suggested giving the Parking Department Director discretion if he wants to eliminate a parking valet ramp, because it is a safety or traffic hazard. He does not think Saul Frances should have his hands tied; if he has a problem on a block because someone opened up one of these "pop-up" valet stands, he can make the decision not to renew.

Mayor Levine agreed with Vice-Mayor Tobin.

City Attorney Aguila stated, to address Vice-Mayor Tobin's point, they can include language to that effect, as they did with sidewalk cafés.

Commissioner Grieco stated that this is not an attack on valet companies, but the City needs to take control of its parking, and have good operators be where they are supposed to be and contribute their services.

Mr. Frances added that they will be meeting with all the valet operators between first and second reading.

Discussion continued.

10:29:15 a.m.

R5R An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article II, Entitled "City Commission," By Amending Section 2-12, Entitled "Meeting Agendas," By Amending The Requirements And Procedures Relating To City Commission Meetings And Agenda; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading as amended.** Motion made by Commissioner Grieco; seconded by Commissioner Steinberg; Ballot-vote: 5-1; Opposed: Commissioner Malakoff; Absent: Commissioner Wolfson. Second reading, public hearing scheduled for **September 2, 2015**. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney to handle.**

Amendment:

"(5) Previously proposed Ordinances; exceptions. Should an Ordinance fail on first or second reading due to the lack of the requisite vote for passage or adoption, or should an Ordinance fails to receive a second on a motion for passage or adoption on first or second reading, an Ordinance

based on the same proposal shall not be placed on another commission agenda for a three (3) month period; however, the three (3) month period may be waived by a 6/7th Commission vote."

Commissioner Grieco explained that some agenda items keep coming up every month; the items fail for lack of a second motion or because they do not get enough votes; but they keep returning to the City Commission every few months with different sponsors. For efficiency purposes, he suggested adding an amendment to the Ordinance that would prohibit failed items to return to the City Commission for a minimum of three-months, unless approved by a 6/7 vote of the City Commission.

Vice-Mayor Tobin addressed the public and explained that one of the strategies used by City Commissioners to discourage opposition from residents or interested parties is to place items on the agenda over and over, which would force the interested parties to continuously have to pay their attorneys, lobbyist, or take time off to attend City Commission Meetings, only to have the item withdrawn or voted down before being heard. He commended Commissioner Grieco for identifying this as one of the angles.

Commissioner Weithorn agreed that this is a good idea.

Raul J. Aguila, City Attorney, distributed an amendment, which added that if an Ordinance fails to receive a second on a motion for passage or adoption on first or second reading it would also have to wait three months before returning to the City Commission.

Handouts and Reference Materials:

1. Amendment from Raul J. Aguila to item (5) *previously proposed Ordinances; exceptions.*

10:17:46 a.m.

ADDENDUM MATERIAL 2:

R5S An Ordinance Amending Chapter 46 Of The Miami Beach City Code, Entitled "Environment," Article II, "Care And Maintenance Of Trees And Plants," Division 2, "Trees"; At Section 46-59 Entitled "Tree Work Permit Application Processing, Requirements, And Review" To Authorize The City Commission To Adopt By Resolution, A Fee Schedule Relating To Implementing The Tree Code; Providing For Repealer; Codification; Severability; And An Effective Date. **First Reading**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Public Works)

ACTION: Title of the Ordinance read into the record. **Ordinance adopted on first reading.** Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading, public hearing scheduled for **July 31, 2015.** Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney to handle.**

Commissioner Malakoff stated that on June 15 the City obtained authorization from the County to take over the care and process applications for the trees and tree canopies in Miami Beach.

Eve Boutsis, Deputy City Attorney, explained that the Ordinance is being slightly modified to adopt by Resolution a permitting and fee schedule. She would like to have the second reading on the July 31, 2015 City Commission Meeting to have a fee schedule in place.

Jay Fink, Assistant Public Works Department Director, stated that once the program is in place they would have a better understanding of it. He corroborated Ms. Boutsis' previous statement.

R7 - Resolutions**10:16:44 a.m.****SUPPLEMENTAL MATERIAL 1: MEMORANDUM****SUPPLEMENTAL MATERIAL 3: RESOLUTION**

R7A A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee, And Waiving By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City; And Approving And Authorizing The Mayor And City Clerk To Execute A Lease Agreement, Substantially In The Form Attached To This Resolution, Between The City And SB Waxing, Inc. (Tenant), For The Use Of Approximately 1,291 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue, Unit 3 (A/K/A 771 17th Street), Miami Beach, Florida (Premises), For A Term Of Five (5) Years, With One (1) Renewal Option (At Tenant's Option) For Four (4) Years And Three Hundred And Sixty Four (364) Days. **10:05 a.m.**
Public Hearing

(Tourism, Culture & Economic Development)

ACTION: Resolution 2015-29074 adopted. Public hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Voice-vote: 6-0; Absent: Commissioner Wolfson. **Max Sklar to handle.**

Max Sklar, Tourism, Culture, and Economic Development Director, introduced the item, which is a lease agreement with its tenant SB Waxing, Inc., who is leasing a property at 1701 Meridian Avenue. This item is to approve the extension of the lease for a further five years with a renewal option for four years.

Mayor Levine asked if that block were to be renovated at some point in the future, whether the City could get out of the contract.

Max Sklar, Tourism, Culture, and Economic Development Director, replied that there is a provision in the lease that includes termination for convenience to give the City flexibility on this location.

Handouts or Reference Materials:

1. Notice in the Miami Herald Ad No. 1029

10:23:02 a.m.

R7B A Resolution Approving, On Second And Final Reading Of This Resolution And Following A Duly Noticed Public Hearing, The Transfer, Via Quit Claim Deed, To The Florida Department Of Transportation (FDOT) The Property Identified In Exhibit A, As The Property Has Been Constructed Upon By FDOT And Utilized As A Turning Lane From Michigan Avenue Onto Alton Road; Containing Approximately 4,014 Square Feet In Total Area; Waiving By 5/7th Vote, The Competitive Bidding Requirements And Independent Appraisal Requirements Of Section 82-39 Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Conditions. **10:10 a.m. Second Reading Public Hearing**

(Office of the City Attorney)

(First Reading On June 10, 2015 - R7D)

ACTION: Resolution 2015-29075 adopted. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice-vote: 6-0; Absent: Commissioner Wolfson. **Office of the City Attorney and Eric Carpenter to handle.**

Jay Fink, Assistant Public Works Department Director, introduced the item, which is in regards to the turning lane from Michigan Avenue merging onto Alton Road.

Eve Boutsis, Deputy City Attorney, stated that this item is to waive the competitive bid and appraisal requirements as the work has already been done.

Handouts or Reference Materials:

1. Notice in the Miami Herald Ad No. 1029

10:20:49 a.m.

R7C A Resolution Pursuant To Section 142-425(d) Of The City Code, Waiving By 5/7th Vote Of The City Commission After Public Hearing, The Development Regulations Under Chapters 130 And 142 Of The Land Development Regulations Of The City Code Pertaining To Required Off-Street Parking Spaces And Minimum Required Setbacks, At The Bass Museum Of Art, 2100 Collins Avenue. **10:15 a.m. Public Hearing**

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
(Continued from June 10, 2015 - R7C)

ACTION: Resolution 2015-29076 adopted. Public hearing held. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice-vote: 5-1; Opposed: Vice-Mayor Tobin. Absent: Commissioner Wolfson. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, introduced the item. This waiver pertains to a recently approved application for the expansion of the Bass Museum. As part of the expansion, it requires a setback of relief and parking relief. The City Commission has the option to waive the requirements of fee in lieu of parking, and the minimum setback requirements. The Planning Board recommends voting in favor of it.

Commissioner Malakoff added that she hopes a much needed garage will soon be built in that area.

Handouts or Reference Materials:

1. Notice in the Miami Herald Ad No. 1028
1. Notice in the Miami Herald Ad No. 1029

1:32:18 p.m.

R7D A Resolution Adopting The FY 2014/15 Revised Amendment To The Key Intended Outcomes In The City Of Miami Beach's Strategic Plan As Set Forth Herein To Guide The Design Of Programs And Services Provided By The City.
(Budget & Performance Improvement)

ACTION: Resolution 2015-29077 adopted. Motion made by Commissioner Grieco; seconded by Vice-Mayor Tobin; Voice-vote: 5-0; Absent: Commissioners Weithorn and Wolfson. **John Woodruff to handle.**

John Woodruff, Budget Director, stated that this item memorializes the minor changes to the Key Intended Outcomes (KIO) discussed at the Strategic Planning Meeting at the May 29, 2015 City Commission Retreat.

1:32:48 p.m.

R7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Agreement Between The City And Calvin, Giordano & Associates, Inc. (The Agreement); Said Amendment Increasing The Scope Of The Agreement To Include Services For The Completion Of The Redesign And Engineering Of The Pathway To The Wider 25-Foot Width For The Middle Beach Recreational Corridor Phase II Project, Between The 46th Street Parking Lot And The 64th Street Parking Lot, And Increasing The Cost Of The Agreement In The Amount Of \$78,234.23.

(Environment & Sustainability)

ACTION: Resolution 2015-29078 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Steinberg; Voice-vote: 6-0. Absent: Commissioner Wolfson. **Elizabeth Wheaton to handle.**

City Manager Morales explained that this item is to widen the beach path to add a bicycle lane or have a separate bicycle path.

1:33:50 p.m.

R7F A Resolution Encouraging The Florida Legislature To Remove Barriers To Customer-Sited Solar Power.

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Environment & Sustainability)

ACTION: Resolution 2015-29079 adopted. Motion made by Commissioner Grieco; seconded by Commissioner Steinberg; Voice-vote: 6-0. Absent: Commissioner Wolfson. **Elizabeth Wheaton to handle.**

1:34:22 p.m.

R7G A Resolution Adopting The City's One-Year Action Plan For Federal Funds For Fiscal Year 2015/2016, Which Includes The Budgets For The Community Development Block Grant (CDBG) Program And The Home Investment Partnerships (HOME) Program; Approving And Authorizing A Substantial Amendment To The City's Five-Year Consolidated Plan To Allocate \$319,342.94 Of Unexpended FY 2008/2009 HOME Funds To The London House Apartments Affordable Housing Project; Authorizing The City Manager To Issue A Notice Of A Thirty (30) Day Public Comment Period For Both Programs; And Authorizing The City Manager To Take The Following Actions: (1) To Execute All Applicable Documents Relating To The Appropriation And Allocation Of These Program Funds; (2) To Submit The One-Year Action Plan And The Substantial Amendment To The U.S. Department Of Housing And Urban Development (HUD); (3) To Make Minor Non-Substantial Changes To The One-Year Action Plan Or The Consolidated Five-Year Plan, Or The Resulting Agreements (Which Do Not Affect The Purpose, Scope, Approved Budget And/Or Intent Of The Plans); And (4) To Extend The Expiration Dates Of Said Agreements When Necessary; And Authorizing The Mayor And City Clerk To Execute Agreements For Sub-Recipients Of CDBG And HOME; And Further Authorizing The City Manager To Execute City Interdepartmental Agreements For Recipients Of Home Funds.

(Housing & Community Services)

ACTION: Resolution 2015-29080 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Voice-vote: 6-0; Absent: Commissioner Wolfson. **Maria Ruiz to handle.**

Maria Ruiz, Housing and Community Services Director, stated that at this time of the year they are doing the annual appropriations of Federal funds, which come in form of Community Development Block Grants (CDBG) and Home Investment Partnership Monies. They held an RFP process that began in February for Public Service Capital Projects and Affordable Housing Projects. She briefly went over the progress on City owned properties.

Vice-Mayor Tobin asked for the status on the audit investigation being done by the Federal Government.

Maria Ruiz, Housing and Community Services Director, stated that they had turned over all of the documents regarding the investigation to HUD, and they have cooperated by providing any information HUD has asked for. At this point, the City is waiting for a response.

1:36:38 p.m.

R7H A Resolution Approving And Authorizing A Technical Revision To The City's Local Housing Assistance Plan (LHAP), Raising The Maximum Down Payment Assistance For Very Low Income Households Served Through The First-Time Homebuyer Assistance Program To \$100,000, For Those Households Served With State Housing Initiatives Partnership Program (SHIP) Funds That Expire September 30, 2015; Authorizing The City Manager To Execute All Applicable Documents And Submit The Technical Revision To Florida Housing Finance Corporation; And Further Authorizing The Mayor And City Clerk To Execute Agreements With Eligible Ship Recipients..
(Housing & Community Services)

ACTION: Resolution 2015-29081 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice-vote: 6-0: Absent: Commissioner Wolfson. **Maria Ruiz to handle.**

Maria Ruiz, Housing and Community Services Director, stated that the item has to do with the City's Safe Housing Initiative Program and its ability to meet requirement of thresholds to serve very low and low-income residents with homebuyer opportunities. The housing market continues to expand in terms of cost, and at the same time, the number of units available continues to constrict. She is asking the City Commission for increased assistance level of \$100,000 to meet the needs of the families they are assisting.

1:37:41 p.m.

R7I A Resolution Authorizing The City Manager To Negotiate And Execute An Intergovernmental Agency Agreement To Perform Traffic Engineering Functions With Miami-Dade County For The Purpose Of Painting Green All Existing Bike Lanes Under County Jurisdiction Within The City Of Miami Beach.

(Transportation)

ACTION: Resolution 2015-29082 adopted. Motion made by Vice-Mayor Tobin; seconded by Commissioner Malakoff; Voice-vote: 6-0. Absent: Commissioner Wolfson. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, explained that this agreement with Miami-Dade County would allow the City to paint the bike lanes green.

Commissioner Grieco asked if this includes protective bike lanes.

Commissioner Malakoff stated that painted green paths have become an international signal that it is a bicycle lane, whether protective or unprotected.

1:39:06 p.m.

R7J A Resolution Adopting The Mode Hierarchy Presented At The March 18, 2015 City Commission Workshop On Transportation.

(Transportation)

ACTION: Resolution 2015-29083 adopted. Motion made by Commissioner Grieco; seconded by Commissioner Steinberg; Voice-vote: 6-0; Absent: Commissioner Wolfson. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, explained that this item is essentially a Resolution affirming the mode prioritization hierarchy that was presented and recommended at the Transportation Workshop on March 18. The priority #1 was pedestrians, priority #2 is transit, bikes and freight depending on the corridor, and priority #3 is vehicles.

Commissioner Malakoff disagrees in that private vehicles should be prioritized before freight. Freight loading zones are now specific hours in the morning and up to a certain time, so there is time when private cars can park. She thinks that freight should be prioritized after private vehicles.

City Manager Morales stated that last month he visited Basel, Switzerland where he looked at a few train systems and it is very interesting what they have done there in historic areas. Priority #1 is pedestrian, #2 is transit, then bicycles, taxis or other for hire vehicles and freight, and lastly are private car.

Commissioner Grieco agrees with the list as it is. The freight has no other way to deliver the goods.

Discussion regarding the prohibition of big rigs.

Saul Frances, Parking Department Director, explained that they cannot preempt large vehicles from the roadways.

Discussion continued.

Debora Turner, First Assistant City Attorney, added that there is an existing Ordinance recently adopted dealing with commercial vehicles loading and unloading.

Commissioner Malakoff asked if the City can prohibit 18-wheelers from doing business in the City on our roads.

Ms. Turner stated that they cannot prohibit them from being in the City.

Mayor Levine stated that there are 18-wheelers double-parked everywhere.

Discussion continued.

City Manager Morales stated that statistically the Police have issued tickets more than what it used to.

1:44:47 p.m.

R7K A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals With Respect To Request For Qualifications (RFQ) No. 2015-115-JR, For Program Management Services For An Intelligent Transportation System (ITS) And Parking Management System (PMS).

(Procurement/Transportation)

ACTION: Resolution 2015-29084 adopted as amended. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice-vote: 6-0; Absent Commissioner Wolfson. **Alex Denis and Jose Gonzalez to handle.**

Amendment:

- Add language accepting the recommendation with the understanding that the City is hiring Kimley-Horn and Associates for management and for generating an RFP for the actual work that they will be overseeing.
- Ensure that Kimley-Horn and Associates or any part of the group is unable to be the one that is being supervised, so that when that RFP goes out, there is no conflict with subsidiaries listed on their bids.

Jose Gonzalez, Transportation Director, stated that this is to award a contract to Kimley-Horn and Associates, who were selected the higher ranked firm that bid on the program on the Intelligence Transportation System.

Commissioner Grieco noted that Kimley-Horn and Associates, Inc., is a great firm, and he thinks they should follow the recommendation, but understanding that they are hiring them for management and for them to help the City in generating an RFP for the actual work that they will be overseeing. He wants to make sure that their company or any part of the group is not able to be the one that is being supervised, so that when that RFP goes out, there is no conflict with subsidiaries listed in their bid. He moved the item with that amendment.

1:46:20 p.m.

R7L A Resolution Accepting The Recommendation Of The Land Use And Development Committee Regarding The Creation Of A Process And Criteria For Parklet Applications On A Temporary Basis, And Further Directing The Administration To Develop Criteria And A Procedure For Approval Of Parklets To Be Installed On A Temporary Basis On Washington Avenue Between 5th Street And Lincoln Road.

(Transportation)

ACTION: Resolution 2015-29085 adopted. Motion made by Vice-Mayor Tobin; seconded by Commissioner Malakoff; Voice-vote: 7-0. **Jose Gonzalez to handle.**

No discussion held.

1:46:41 p.m.

SUPPLEMENTAL MATERIAL 1: MEMORANDUM & RESOLUTION

R7M A Resolution Urging Miami-Dade County To Authorize The City Of Miami Beach To Assume Certain Traffic Engineering Jurisdiction Over Certain Traffic Engineering Components For Local Roadways Within The City.

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Transportation)

ACTION: Resolution 2015-29086 adopted. See comments with Item R9C. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice-vote: 6-0; Absent: Commissioner Wolfson. **Jose Gonzalez to handle.**

Clerk's Note: As per the City Manager, at agenda review:

- Fatima Perez, Chief of Staff to write a letter to County Commissioners Bruno A. Barreiro and Sally Heyman, explaining the issues discussed that require their attendance for their assistance;
- Assign each item a Time Certain. **Fatima Perez to handle.**

Commissioner Grieco introduced the item and explained that he worked with Jose Gonzalez on the Resolution; if passed, he suggested taking this Resolution to Miami-Dade County to have them give the City back some of the jurisdiction over some of the City roads. The County's transportation program goes back to the 1960s, before Cities had their own Public Works Department or Transportation Departments.

Commissioner Steinberg is in favor of the idea but her concern is about the cost to the taxpayers. She asked exactly what the mindset and cost are to better understand this, although she thinks it is a great idea.

Jose Gonzalez, Transportation Department Director, explained that they reached out to the County to have a better understanding as to the cost. The County conducts many traffic studies using in house resources, so what they are trying to get is how many hours it takes to do a typical analysis, or a study, for a mid-block pedestrian crossing, and then they can come back and provide a better idea as to the cost.

Commissioner Grieco added that what motivates him is that in order to implement a logical solution to a problem, there is a delay until the County does the traffic study and gives the authorization; he added that the system and its jurisdictional issues are antiquated. We are a barrier island and our intra-City traffic flow has no impact with the rest of the County; the City should be able to have that jurisdiction.

Discussion held.

Mayor Levine suggested passing a Resolution urging both County Commissioners to be in attendance during certain City Commission meetings with topics that require County assistance; assign items a Time Certain, and start doing this as a policy. **Office of the City Manager to handle.**

Motion made by Commissioner Malakoff; seconded by Commissioner Grieco to pass a Resolution urging County Commissioners to attend certain Commission Meetings; Absent: Commissioner Wolfson. No voice vote taken.

Discussion held.

Mayor Levine directed the City Manager to write a letter to County Commissioners Bruno A. Barreiro and Sally Heyman, explaining the issues discussed and that we require their attendance for their assistance, and will assign each item a Time Certain. **Office of the City Manager to handle.**

Raul J. Aguila, City Attorney, reminded the City Commission that County Commissioner Bruno A. Barreiro is a member of the Miami Beach RDA now, they meet at 2:00 p.m. Time Certain, and they can take advantage of this time.

Mayor Levine wants to make this request official.

2:45:28 p.m.

SUPPLEMENTAL MATERIAL 1: REVISED MEMORANDUM

R7N A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee (FCWPC) To Operate Municipal Parking Garages With Gated Revenue Control Equipment; And Accept The Recommendation Of The City Manager, Pursuant To Invitation To Negotiate (ITN) 2014-170-SW For A Gated Revenue Control System For The City's Parking Garages; Approving The Material Terms Of An Agreement Between The City And Skidata, Inc., And, In The Event That The City Is Unable To Finalize Successful Negotiations With Skidata, Inc., Authorizing The City Manager And The Office of the City Attorney To Negotiate An Agreement With Amano McGann, Inc.

(Procurement/Parking)
(Deferred from June 10, 2015 - R7M)

ACTION: Resolution 2015-29087 adopted as amended. Motion made by Vice-Mayor Tobin; seconded by Commissioner Weithorn. Voice-vote: 7-0. Contract to come back to the **September 2, 2015** Commission Meeting. **Alex Denis and Saul Frances to handle.**

Amendment:

- Approve the agreement as drafted in the Agenda, with a friendly amendment to negotiate with Skidata.
- In the interim do a parking study, and potentially use Walker Parking.
- Bring contract back at the next Commission Meeting of September 2, 2015.

Saul Frances, Parking Department Director, stated that this item is accepting the recommendation from the Finance and Citywide Projects Committee regarding the ITN for data revenue control system. At Finance, there was the discussion of gated verses metered operations at garages. They provided a survey at committee of 20 comparable cities, with the majority of them operating with gated systems. After research between then and now, they identified that those facilities that are metered are low to medium utilization facilities. City garages are in high demand comparable to airports essentially. They looked at airports and could not find one with metered operations in them. From the perspective of operating the garages and efficient standpoint, the gated system is the recommendation at this point.

Commissioner Grieco asked how much money are they are talking about to approve the piece.

Mr. Frances stated that over a ten-year period it is \$6.8 million.

Discussion held regarding current system.

Saul Frances, Parking Department Director, explained that the current provider has provided them with written notification that they are no longer supporting the system or providing equipment. They must provide some other replacement equipment for, whether gated or metered, an alternate equipment in order to maintain the operational status of the garages.

Discussion continued.

Commissioner Grieco thinks that they need to re-evaluate this since there is no formal study done, and he does not think they should treat all parking garages the same. Certain parking garages have more intense use than others do, and he thinks a great deal of money can be saved if they only need to install the gated system in those garages with high intensity use, rather than making a \$7 million investment. The gated versus non gated system is something that they are looking at now, but at the same time they are looking at changing the way they think about parking in the City. They are looking at taking spots off the streets and putting them into garages. They are talking about building new garages in Collins Park. They need to look at this globally. He is in opposition of this item and has always been; it requires more study, the City garages are still operational while they do more in-house. They are reassessing how they want to spend \$6.8 million in parking and have decided that parking is tied in with congestion, transportation and mass transit; they want to reallocate these funds.

Commissioner Wolfson agreed with Commissioner Grieco and thinks that the issue that one of the proposers brought up at the last meeting is also a reason for him for voting against this. This is here on a motion to approve negotiations with Skidata, which was a combination of a couple of the bidders, and the suggestion at the last meeting was that there was some collusion and he thinks it is fair for everyone involved to go back out on this. This is the reason he is voting no.

Commissioner Malakoff is in support of the item and does not believe there was any collusion. The main reason she is supporting the item, is that it is her understanding that the City needs better control; they need the type of service level where all of the garages will operate on one system with compatible hardware, compatible software and equipment; the one system will supply and equip all the garages. This is the efficient way of running garages. All the garages should be run the same way with CCTV at all entrances and exits. They can have license plate readers, safe-secured garages, and this is the way to go. It is costly, but 3M is no longer doing the type of revenue control systems they are currently using. To have cashiers handling cash is a way to lose money for the City. The gated parking revenue control system in every garage is the most efficient method.

Mayor Levine asked if there is a way for them to delay this for a month until more information is gathered.

Commissioner Grieco stated that this is not about cashiers; they have a system in place; they have a telephone App to pay for parking, they can take the system on the streets and have it in the garage, and the residents still get the discount.

Mayor Levine asked that Mr. Frances come back and educate them on this system.

Raul J. Aguila, City Attorney, explained that what Commissioner Grieco is saying is to reject all bids and do a new RFP with this is studied further.

Commissioner Weithorn looked at what other cities are doing and her findings were that people that come to visit the Convention Center from other countries need a system that they know and use; they may not love the system, but this is the system people know and use. They can

innovate in some areas, but parking garages are not where they should innovate. She agrees with Commissioner Malakoff and is willing to approve this today.

Commissioner Steinberg agrees and added that she was also having a hard time understanding the issue after the Committee meeting, but now she feels that is best to enforce the actual parking; otherwise, they have to hire staff. It seems to make sense to have it gated.

Discussion continued.

Commissioner Wolfson suggested getting official feedback on what the right route to go is.

Discussion held.

Eric Zichella, Esq., representing Skidata, explained that the 3M equipment is outdated and they are not supporting the equipment in the garage, so there is urgency from the standpoint of wanting to have current equipment in all the garages; but to set the record straight, the City Attorney responded in detail to the allegation of collusion. In terms of education on the topic, staff did an outstanding memorandum on this, which included a lot of information done through studies, particularly the surveys of areas in cities and airports where they provide these systems. One of the reasons Skidata's equipment is so popular in the industry is that architects are selecting it, the software works and they provide the equipment.

Commissioner Grieco is concerned with 3M no longer supporting the equipment and asked what would happen in a few years when Skidata no longer supports the equipment? The City seems to be at the mercy of the vendor in regards to technology and this is his concern.

Motion made by Vice-Mayor Tobin to approve the item; seconded by Commissioner Weithorn.

Discussion continued regarding the length of the contract.

Commissioner Wolfson added that in the initial agreement, from what he recalls, they were supposed to bring the final contract, and there is no final contract, only a term sheet, so he thinks this item will have to come back.

Mr. Zichella added that it is important to consider that the City pledged some of the parking revenue bonds for a number of projects within the City, including the Convention Center; if you look at the projection of parking revenue funds with the current system, the City falls short; and if you remove the gates and put in meters, there could be the risk of losing up to \$10 million in revenue, and that could default parking revenue bonds and force the City to raise the rates dramatically for residents; these are factors to consider and there are a lot of reasons for this item to move forward.

Mayor Levine asked if there is a way to make the agreement a shorter duration.

Commissioner Steinberg stated that this is to authorize them to negotiate.

Raul J. Aguila, City Attorney, asked Alex Denis what the specified term in the ITN is. Mr. Denis answered that there was no specified term. City Attorney Aguila then explained that they could do a shorter period of time if they wanted to, since the term was not specified in the ITN.

Alex Denis, Procurement Director, explained that they can do a shorter period, but the initial investment of \$6 million is up front, the 10-year term is to force them to maintain the system, so that in year three they do not have to replace a new system.

Mayor Levine asked City Manager Morales for his opinion.

City Manager Morales clarified that the City will be saving close to \$7 million in labor costs over the 10-year period; so it pays for itself in terms of capital and maintenance cost. It does spread the payment out, so the shorter you make the term, the bigger impact on the annual basis in terms of the capital. He is not an expert in parking garages, but the vast majority of the industry, including airport garages, is increasingly using this technology. The challenge is when you go to a parking meter system; you estimate a 15% parking revenue loss. At least with the gates you get 100% of the revenue.

Commissioner Wolfson agrees with Commissioner Grieco and since not everyone is in agreement, he suggested a compromised to approve the negotiations with Skidata, and go out and conduct a parking study of gated versus non-gated parking in the interim, and when they come back with the final contract, if this appears that this is the right way to go from outside sources, they can approve it.

City Manager Morales reiterated that they will bring this back for approval.

Discussion continued.

Commissioner Malakoff stated that she is agreeable to do a parking study, but Miami Parking Authority has 15 garages, 14 of which are gated, Santa Monica has 13-gated garages, San Francisco has 29, 19 of which are gated; Fort Lauderdale and Collier County do not have gated garages. Hollywood has three garages, two of which are gated, and most municipalities and airports have gated parking systems.

Discussion held.

Mayor Levine suggested approving the item, move forward with the negotiations and at the same time do a parking study, and bring back to Commission to finalize the contract.

Vice-Mayor Tobin reminded Mayor Levine that there is a motion on the floor and it has been seconded.

Discussion continued.

Mr. Zichella explained that there is an in depth analysis of gated versus meter in the Agenda package.

Discussion held.

Commissioner Wolfson clarified his amendment and reiterated the motion, which is approving the agreement as drafted in the Agenda, with a friendly amendment to approve them to negotiate with Skidata, but in the interim do a parking study, potentially use Walker Parking, and then bring contract back at the next meeting.

Raul J. Aguila, City Attorney, clarified that the motion is to authorize negotiations with an agreement with Skidata, based upon the approved term sheet in the agreement.

Commissioner Malakoff stated that they require assurance that the equipment has a warranty for ten years.

Mr. Zichella stated that there is a period of warranty in the agreement in addition to the maintenance fee.

Discussion continued regarding maintenance agreement.

City Attorney Aguila clarified that when this equipment is procured, it is procured with a maintenance and support agreement for a period of ten years; that has an additional cost; so any upgrades to the system as a result are paid under the maintenance support equipment, and that cost is included in the term sheet.

Motion made by Vice-Mayor Tobin; seconded by Commissioner Weithorn; approved as amended by Commissioner Wolfson. Item to come back in September.

3:07:18 p.m.

R7O A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And Urging Florida Power & Light (FPL) To Agree To Locate The Transformers In The Public Right-Of-Way (ROW), Subject To Permitting By The City, As Part Of Any Future Proposed Utility Undergrounding Project(s) On The DiLido And San Marino Islands.

(Sponsored by Vice-Mayor Edward L. Tobin)

(Legislative Tracking: Public Works)

(On June 10, 2015 item was requested to come back in July 8, 2015 - R9O)

ACTION: Resolution 2015-29088 adopted. Heard in conjunction with R9L. Motion made by Commissioner Malakoff; seconded by Vice-Mayor Tobin; Voice-vote: 7-0. **Eric Carpenter to handle.**

REFERRAL:

Vice-Mayor Tobin referred the portion of R9L to the Neighborhood/Community Affairs Committee by acclamation to discuss electrical undergrounding Citywide. See details with R9L.

David Martinez, CIP Director, explained that the residents of San Marino Island and DiLido Island desire to underground the franchise utilities, specifically for power and light; the problem that resulted is certain direction from Florida Power & Light (FPL) as to the location of electrical components in the right of way versus on private property. On June 30 the City hosted a workshop with Vice-Mayor Tobin, Commissioner Malakoff, the City Manager and representatives from FPL as well as City staff and representatives of the homeowner associations and residents, where discussion was held regarding the necessary parameters and criteria required for the undergrounding to take place. Subsequently the HOA representatives and staff met on July 2, 2015, and certain alternatives were discussed in order to accomplish this and meet the requirements requested by FPL.

Ahmad Khamsi, representing the Venetian Island Homeowners Association, is here with their President Jeurgen Brendel, colleagues from FPL and representatives from Schwebke-Shiskin. He stated that there has been extraordinary support from the Commissioners, the Office of the City Manager and CIP, and they have made things happen. They had three consecutive meetings, and the last one with the presence of FPL was a groundbreaking meeting, because it was the first time that the use of private property for the use of the transformers was not an engaging item. FPL has provided them guidance and they have immediately, at their cost, contracted with

Schwebke-Shiskin & Associates, Inc., and have requested a set of documents based on examples of wet and dry site location of transformers on the two islands. The guidance of FPL on these drawings depends on the type of curve to protect the transformers.

A [slide show](#) was presented showing the drawings by Schwebke-Shiskin & Associates, Inc.

Mr. Khamsi explained the steps to follow in the process and added that there will be no additional cost from the City, no plan for the drainage. He thanked Commissioners Tobin, Malakoff and Grieco, Mark Taxis and Jimmy Morales who have been supportive, and FPL. They will wait for confirmation from FPL, and as soon as they have that, they already have 75% support from the neighborhood. They are very grateful for their support.

Vice-Mayor Tobin suggested coming back in September 2, 2015 for FPL to give an update.

Motion was moved and seconded to approve the Resolution and a voice vote was taken.

Rafael E. Granado, City Clerk, stated, for the record, that item R7O was approved, and R9L, the accompanying item, will be brought back to [September 2, 2015](#). **Eric Carpenter to handle.**

Commissioner Wolfson asked if there is anywhere in the Resolution that states that this project will not be delayed.

Raul J. Aguila, City Attorney, explained that the NCAC discussed the request of the HOA to get FPL to agree to place the transformers on public property.

Discussion continued.

Commissioner Wolfson wants to make it clear, on the record that this will not delay the installation of pumps so that everyone in the City knows that they do not need to slow down the project. He is fully in support.

Commissioner Malakoff thanked FPL for their efforts.

Commissioner Wolfson inquired when was the last time that FPL actually got a town undergrounded like this.

Aletha Player, FPL Company, stated that they have been successful in undergrounding 55 miles of undergrounding; probably the most recent being Jupiter Island about a year ago. In Miami-Dade County, Golden Beach was undergrounded about a year and a half ago, and Miami Beach has been the most challenging. She thinks they are in a good place now.

Vice-Mayor Tobin stated that he wants to start a discussion on undergrounding electric Citywide and get prices from FPL to make the City more resilient.

Commissioner Grieco is in agreement with the idea of Citywide undergrounding.

Vice-Mayor Tobin referred the issue of undergrounding Citywide to the Neighborhood/Community Affairs Committee by acclamation. **Daphne Saba to place on the Committee agenda. Eric Carpenter to handle.**

1:53:52 p.m.

R7P A Resolution Accepting The June 3, 2015 Recommendation Of The Finance And Citywide Projects Committee For AECOM To Review And Provide Recommendations To Modify The Storm Water Utilities Methodology Relating To The Equivalent Residential Unit (ERU); And Thereafter, By December 2015, For The City Administration To Draft An Ordinance Amending Chapter 110 Of The City Code To Implement The Modified ERU Calculation.
(Public Works)

ACTION: Resolution 2015-29089 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Voice-vote: 5-1; Opposed: Commissioner Weithorn. Absent: Commissioner Wolfson. **Eric Carpenter to handle.**

Jay Fink, Assistant Public Works Director, explained that as a result of the September 2014 Commission Meeting, the utility rates were amended for FY 14/15. Thereafter, the City enlisted the assistance of AECOM to review the current Stormwater rates methodology. At the June 3, 2015 Finance and Citywide Projects Committee, a motion was made to move forward with AECOM to work on the equivalent rate units for the Stormwater utility rates, and after completing that project they will work on the impact fees with a completion date of no later than December 2015. The item is now in front of the Commission for full support and direction.

Commissioner Weithorn is not in support of spending money for a study; she believes Stormwater is shared by everyone, no matter where one lives, and she is having trouble accepting the study for something she is not sure it is ever going to happen.

Vice-Mayor Tobin requested that Mr. Fink give detailed information regarding of what the issue is and what the estimated costs are.

Mr. Fink stated that the original Stormwater utility project was done by CDM, going back to 1996.

City Manager Morales clarified that the issue is how Stormwater utility is allocated between the different types of properties. Last year, when the City Commission voted for Stormwater rate increase to pay for the first \$100 million bonds, there were some community members who raised concerns that the allocation was not fair, and then direction was given by the City Commission to look at the methodology of the allocation. This is what is coming back.

Vice-Mayor Tobin recollects that the City has a minimum charge they bill to residents for water; some residents use minimal amount of water. He asked for an explanation in regards to the fairness of the issue when charging residents for the Stormwater.

City Manager Morales explained that the allocation is called ERU, and for residential, whether condominium or single-family unit, is a fixed number, which is 791 square ft.

Discussion continued regarding rates and the study.

Mayor Levine stated that at times, if a third party or a consultant is hired, you feel you are getting an impartial, third-party unbiased opinion that you can rely on. No one likes to pay these fees and he is not sure if we need this or not.

Vice-Mayor Tobin suggested that after they get the rough draft from the outside consultant, they can get a third party. He asked how much this will cost.

Mr. Fink answered that for the reevaluation of Stormwater fees and schedule the proposal is \$123,000.

Discussion continued.

Vice-Mayor Tobin does not agree and thinks there is an equitable issue they need to study.

Jay Fink, Assistant Public Works Department Director, stated that they hired an expert on Stormwater, sea level rise and they asked them for the proposal of the work.

Mayor Levine asked if they can compare what other municipalities are doing and give them ideas.

Vice-Mayor Tobin stated that many consultants have just as many lobbyists, as they have engineers working for them, they get a hold of a City and begin to volunteer their services, and the people that work here come to understand that for every problem, the consultant can get it resolved. This got to a point where the consultant was drafting the memorandum for staff, and then staff was signing. It becomes very easy; all they need to do is add scope.

Mr. Fink assured Vice-Mayor Tobin that he labored over the memorandum, and substantial work is being done in-house. This is looking at an expert in the field that has done this for numerous municipalities that can produce a product that is defensible, fair and equitable.

Vice-Mayor Tobin suggested having staff learn from these experts.

Discussion continued.

City Manager Morales added that what happens is that if in fact, the recommendation comes back to change something, people who lose in that process may litigate and explained that Exhibit A is the methodology study done by an outside professional expert.

Discussion held.

Handouts or Reference Materials:

Flood Mitigation Consulting Services Work Activity

03:18:08 p.m.

R7Q A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement With An Amended Project Scope And Methodology With David Mancini & Sons, Inc. For Design Build Services For A 54" Redundant Sewer Force Main To Connect To The Government Cut Forcemain (The "Project") To Meet The Project's Available Budget Of \$10,500,000.
(Public Works)

ACTION: Resolution 2015-29090 adopted. Motion made by Commissioner Grieco; seconded by Commissioner Wolfson; Voice-vote: 7-0. **Eric Carpenter to handle.**

Jay Fink, Assistant Public Works Department Director, explained that the existing force main has shown areas where there is broken wire in the pipe; it is not in imminent danger, but it is problematic. The design and reconstruction of the pipe will require spending millions of dollars to put in bypass piping. They went through an RFP process and there were two short-listed proposers. The City Commission authorized the City to enter into negotiations with the top ranked proposer, David Mancini and Sons; and the direction was to approve within budget and bring

back if there was a change in the scope. The item is in front of this Commission because there was a change in scope. There are a couple cost saving items we are proposing, one was the method of construction. Instead of micro tunneling, the proposer has indicated that he sees cost savings if they did horizontal directional drill. Second, the size of the pipe is going to be slightly smaller, it is proposed to have a 54 inch inside diameter; however, the pipe carries the same amount but it will increase the pressure slightly.

Commissioner Grieco stated that from what he understands, by changing the way the pipe is installed, instead of doing the micro tunneling, the diameter gets smaller at each end, the way they do the installation. He also asked if they will stick to the timeline. He has no concerns at this time.

Mr. Fink explained that the other cost saving item is an open cut, rather than a six feet cut, it will be brought down to a four feet cover.

Commissioner Grieco stated that they have confirmation that the project will adhere to the timeline, since the main cut is in front of Joe's Stone Crab; he was reassured that this will happen by the time Joe's reopens.

Discussion continued.

Commissioner Weithorn asked about the four feet versus six feet cut and requested the City Engineer's opinion on that.

Bruce Mowry, City Engineer, stated that the original contract said at least six feet, this one says four. If there is a requirement or a conflict where the line has to be six feet, there will be no additional charge to the City. They are only changing the criteria, rather than mandating six feet, they are saying that they can go to four feet, but if there is a conflict where they cannot go that shallow and have to go deeper, that is at the cost of the contractor with no charge to the City. There is also the potential of saving dollars.

Discussion continued.

Commissioner Grieco stated that the contractor did a great job, and he is impressed with the way they handled it.

3:24:52 p.m.

SUPPLEMENTAL MATERIAL 2: REVISED MEMORANDUM & RESOLUTION

R7R A Resolution Calling For A November 3, 2015 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether City Code Section 2-459 Should Be Amended To Provide Further Exception Allowing Historic Preservation And Design Review Board Members Who Are Architects Or Landscape Architects To Lobby City Personnel And Agencies On Land Development Applications, Except For Applications Before The Board On Which They Serve.

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Office of the City Attorney)

ACTION: No action taken. Bring item back to the **September 2, 2015** Commission Agenda. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

Raul J. Aguila, City Attorney, stated that this is Commissioner Malakoff's ballot question; which would create an exemption from lobbying, allowing Land Use board members to lobby on Land Use applications before other Land Use boards, except the board on which they serve. The reason for the ballot question is that the City has had difficulty getting qualified Land Use board members to serve on the board, because in doing so they are precluded from lobbying the City, and essentially doing work with the City. This proposal would create a very limited exemption to the lobbying laws, which would allow these board members (Architects and Landscape Architects) to lobby and serve on the board but not lobby on the board they serve on.

Discussion held.

Commissioner Steinberg is not in support of this measure, because she believes it waters down the Ethics Ordinance.

City Attorney Aguila stated that the reason they are adding this to the Charter is because as Commissioner Steinberg stated, it creates a less stringent standard in the City's lobbying laws and voters need to approve this.

Commissioner Wolfson highlighted that the positive is that they will find qualified more people to serve on the boards and therefore have less vacancies, and the negative is that they can lobby the City at the same time they serve on the board and use their connections.

Discussion held.

Commissioner Malakoff added that there are Land Use Boards that only have a few members, and there are developers coming up for projects and they do not have a full board to hear their projects, including variances.

Commissioner Weithorn is not in support of anything that waters down Ethics.

Commissioner Wolfson stated that if they could compel that there was a full board, the full board Ordinance that he proposed, he would be in favor of this; otherwise, he cannot be supportive.

Commissioner Malakoff added that in the Charter it also requires that MDPL and Dade Heritage Trust make recommendations for appointments.

Discussion continued regarding lack of requirement for full boards.

Mayor Levine suggested not having a requirement for an architect, and making that position an At-Large position.

Commissioner Malakoff explained that the boards need architects.

Raul J. Aguila, City Attorney, stated that removing the requirement of having an architect on the HPB could be deemed to be lessening the powers and duties of that board. There is a Charter provision that says that you cannot dilute the powers and duties of the HPB without voter approval.

Discussion continued regarding the composition of the HPB.

Commissioner Wolfson stated that merely changing the composition of the HPB is not lessening the historic preservation in the City; it is just changing the way they approach it. If they remove

the MDPL or Dade Trust Heritage Trust member, that might change the composition, but if they make that an At-Large position with experience concerning historic preservation, it would be equal.

Commissioner Grieco stated that he is in favor of voting to put the item on the ballot. They are presently not voting to change the Charter, but are voting to allow the public to decide. This is something where the voters can educate themselves and vote on it.

Frank Del Vecchio recognized Commissioner Malakoff and stated that if this goes on the ballot, even if it is voted up, it does not mean that the City Commission finds a Landscape Architect or an Architect who will not be in conflict and that cannot be appointed. He believes it is better to have the question go on the ballot.

Commissioner Weithorn is concerned with the access those lobbyists would have to City staffers and the familial relationship they have on getting their projects recommended, and that what she is struggling on an Ethics issue. She is concerned that the public will not be aware of these issues and will not understand. She asked if there could be perhaps a limit on the amount of lobbying done in front of boards.

Commissioner Grieco stated that there are many levels of safeguard. If the question is to put it on the ballot, if it passes, the City Commission still needs to appoint a person to the board. All these issues can be further vetted during the process.

Mayor Levine asked City Attorney Aguila what the options are if the City Commission wants to appoint a member that does not fit the residency requirement but does business in Miami Beach. He also asked if the City Commission could waive the lobbying requirements once that Architect is appointed.

City Attorney Aguila explained that the residency requirement, or doing business in the City, can be waived by a 5/7 vote. The City Commission can appoint a non-resident architect or landscape architect by supermajority of the Commission. That Architect; however, cannot lobby before City boards. In addition, this is not the only exemption to lobbying laws; not-for-profit corporations are allowed to lobby City personnel and City Commission, so they have already created limited exceptions under the lobbyist's laws.

Discussion continued.

Mr. Del Vecchio suggested adding language to limit the number of lobbying.

Commissioner Weithorn agreed that if language can be added so as not to change the essence of the law, she can support it. This item, as written, is too broad.

Discussion continued.

Commissioner Malakoff suggested adding language: board members who are Architects or Landscape Architects to lobby City personnel and agencies on land development applications have up to seven times per year except for applications before the board.

Mayor Levine suggested bringing the item back in September, since there is no support on the dais.

3:42:13 p.m.

SUPPLEMENTAL MATERIAL 2: REVISED RESOLUTION

R7S A Resolution Calling For A General Election To Be Held On November 3, 2015 In The City Of Miami Beach For The Purpose Of Electing A Mayor And Three City Commissioners (Groups IV, V, And VI); Further Providing For A Run-Off Election If Required To Be Held On November 17, 2015; Providing For Conduct Of Said Elections By The Miami-Dade County Elections Department; Providing That Voting Precincts For Said Elections Shall Be Those As Established By Miami-Dade County; Providing For Notice Of Said Elections; Providing For The Form Of Ballots And Registration Of Voters In Accordance With State Law; Providing For Payment For Conducting Elections To Miami-Dade County.

(Office of the City Attorney)

ACTION: Resolution 2015-29091 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice-vote: 6-0; Absent: Vice-Mayor Tobin. **Office of the City Attorney to handle.**

No discussion.

3:42:32 p.m.

R7T A Resolution Authorizing Early Voting For The November 3, 2015 City Of Miami Beach General Election, Special Election, And, If Required, A November 17, 2015 Run-Off Election.

(Office of the City Attorney)

ACTION: Resolution 2015-29092 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice-vote: 6-0; Absent: Vice-Mayor Tobin. **Office of the City Attorney to handle.**

No discussion.

3:42:47 p.m.

R7U A Resolution Approving An Expenditure Of Budgeted Funds In Reasonable And Necessary Amounts For The Public Purpose Of Informing And Educating The Voters Of The City Of Miami Beach Regarding Ballot Questions On The City's November 3, 2015 Special Election In Order To Achieve A More Informed Electorate Vote.

(Office of the City Attorney/Communications)

ACTION: Resolution 2015-29093 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice-vote: 5-1; Opposed: Commissioner Wolfson; Absent: Vice-Mayor Tobin. **Office of the City Attorney, Nannette Rodriguez and Rafael E. Granado to handle.**

Raul J. Aguila, City Attorney, stated that this item is to authorize expenditures for the Voters' Guide.

Commissioner Wolfson requested to see the Voters' Guide prior to publishing.

Rafael E. Granado, City Clerk, suggested bringing back the finished Voters' Guide back during one of the budget meetings, so the Commission may review it before publishing. He stated that the deadline for Communications Department is September 4, 2015 to publish on the MB Magazine, and added that if the item can be discussed during the budget briefings.

Discussion held.

Mayor Levine asked if this item could be brought back at the next Commission Meeting. Rafael E. Granado, City Clerk, explained that at the present time there are no questions (either Charter questions or non-Charter question to explain in a Voters' Guide.)

Commissioner Grieco asked who writes the Voters' Guide.

Raul J. Aguila, City Attorney, stated that the hotel question on the ballot would be written by Maria Hernandez, Rafael Paz and himself.

Discussion held.

Mayor Levine asked Mr. Granado to edit the explanation for impartiality and there was consensus.

Mr. Granado stated that the Voters' Guide would be produced and transmitted via an LTC. **Office of the City Clerk to handle.**

Commissioner Malakoff explained that the residents of the City need clear language explaining the ballot questions, no legalese. The public does not understand legal language and find ballot questions confusing.

Commissioner Wolfson explained that the ballot questions cannot be written in legalese, they must be clear to understand, otherwise the question might be deemed unconstitutional.

Commissioner Malakoff responded that ballot questions are limited to 75 words. As results, there is no possibility to explain the reasoning behind the question in such limited words. Therefore, a Voters' Guide is needed to clarify to the people what they are voting for.

3:46:44 p.m.

R7V A Resolution Authorizing The Administration To Videotape And Air On MBTV The Mayor And Groups IV, V, And VI Commission Candidate Presentations For The November 3, 2015 General Election.

(Office of the City Clerk/Communications)

ACTION: Resolution 2015-29094 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Voice-vote: 6-0. Absent: Vice-Mayor Tobin **Rafael E. Granado and Nannette Rodriguez to handle.**

No discussion.

3:47:02 p.m.

R7W A Resolution Repealing Resolution Nos. 91-20386, 91-20421, And 2015-28961, As More Specifically Set Forth Herein, Due To The Passage Of Ordinance No. 2015-3954 Which Supersedes In Whole, Or In Part, Said Resolutions Regarding City Commission Meeting Procedures And Policies.

(Office of the City Attorney)

ACTION: Resolution 2015-29095 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice-vote: 6-0; Absent: Vice-Mayor Tobin. **Office of the City Attorney to handle.**

Raul J. Aguila explained that this repeals Resolutions that are now codified under item R5H.

Commissioner Steinberg confirmed that everything that was in those Resolutions is now codified in the Ordinance under R5H.

No further discussion.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(Office of the City Clerk)

ACTION: The following appointments and changes to board and committees were made:

CONVENTION CENTER ADVISORY BOARD

Brian Gilderman Term End 12.31.2016 Appointed by Mayor Levine Term Limit: 12.31.22

HISPANIC AFFAIRS COMMITTEE

Manuel "Mickey" Minagorri Term End 12.31.2016 Appointed by Commissioner Steinberg Term Limit: 12.31.22

LGBT ADVISORY COMMITTEE

James Weingarten Term End 12.31.2016 Reappointed by Vice-Mayor Tobin Term Limit: 12.31.22

MARINE AND WATERFRONT PROTECTION AUTHORITY

Christian de la Iglesia Term End 12.31.2016 Appointed by Commissioner Steinberg Term Limit: 12.31.22
Maurice Goodbeer resigned 06.16.2015

MAYOR'S OCEAN DRIVE TASK FORCE

Jeffrey Feldman Term End: 08.31.2015 Appointed by Mayor Levine
Frank Kruszewski resigned 06.20.2015

PARKS AND RECREATIONAL FACILITIES BOARD

Ronald Krongold resigned 06.23.2015

POLICE/CITIZENS RELATIONS BOARD

Tiva Leser removed due to absences
Robert Lopez removed due to absences
Melissa Broad-Sheppard removed due to absences
Robert Jenkins removed due to absences

VISITOR AND CONVENTION AUTHORITY

Mark Tamis removed due to absences

TRANSPORTATION, PARKING, BICYCLE-PEDESTRIAN FACILITIES COMMITTEE

Hector Fontela removed due to absences

R9A1 Board And Committee Appointments - City Commission Appointments.
(Office of the City Clerk)

ACTION: No appointments were made.

8:30 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum.

ACTION: The following individuals spoke:

1. Al Berg stated that on July 1, 2015 the Third District Court of Appeal upheld their verdict on the CVS, which means that they will now be building to zoning. They are negotiating with them in good faith, but for the record, they will never accept a five-foot setback. This is a seller's market, which means they have an opportunity to be able to find the development they want. In addition, El Leo, located at 1501 Collins, its entrance is on 15th Street, and they are calling for a 400 plus restaurant, a 1,400 person nightclub, opens until 5 AM; they study their traffic and transportation report and informed that the report done in July 16, 2015 used an FDOT conversion factor (in season), which is 1.05. They hired experts that are going to be looking at the file. He asked Mr. Morales and the City Commission to focus on this project, for staff to study and provide a negative recommendation.
2. Marie Grande stated that there is a plan at Flamingo Park to demolish one of the handball racquetballs that was approved years ago. This is a good building, stairs need to be replaced but there is nothing wrong with the building. She brought a petition that was filed with the City Clerk, consisting of over 70 signatures of people that use the courts and are opposing demolition of the facility. The plans are to rebuild another building with indoor paddle tennis courts, which hinders pre-established popular sports. She thinks this is a waste of money and asked the City Commission to reverse the decision to demolish the handball courts at Flamingo.

Rafael E. Granado, City Clerk, notified Ms. Grande that the petition had been forwarded to the Parks and Recreation Department Director and to the Historic Preservation Board, since they are hearing the matter next week.

3. Ken Beresky explained that he was unable to celebrate the Centennial or the Fourth of July, and his business has suffered considerably and he continues to face health issues. Earlier in January he was arrested by Officer Pereira and two others for riding a bicycle; he did not resist, but they were not gentle about it. He found out later that the official charge was disorderly conduct. He complained that he was cold in jail and suffered shoulder injuries from being roughed up. He was released the next day, but he had to fix his bike, his business was shut down for nearly two weeks, just because he rode his bike. He hopes that this does not happen to anyone else.
4. Rob Benezy thanked the City Commission for the amazing Fourth of July Celebration and fireworks in North Beach; he hopes that next year they will maintain the site for the celebration. It was a terrific event.

Mayor Levine stated that North Beach is priority.

Introduction:

City Manager Morales introduced a new member of the team; they are fortunate to lure away from the County Jack Ripple, who has worked for years overseeing the Beach Clean Up, and will now be heading Parks and Beach Restoration, making sure that every issue from parks to waterfront is properly addressed by different parties in the City. Mr. Ripple is well known and well respected.

Mayor Levine suggested Mr. Ripple attend the meeting tomorrow at 11:00 a.m. being held by the Coastal Mayors.

Handouts and Reference Materials:

1. Notice in The Miami Herald Ad No. 1037

1:11:03 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

ACTION: The following individuals spoke:

1. David Marzak stated that this is for the Miami Beach Police and the Fire Department; and added that Miami Beach needs to step forward and go ahead of Miami-Dade County in terms of thinking forward regarding impact fees; and he listed the following: \$1,000 per taxi cab per annum; \$1,000 per tour bus per annum, \$1,000 per Liberty driver per annum.
2. Al Berg stated that El Leo Restaurant, which has a 1,400 people capacity Club, will be open until five in the morning. Based on the number of cars that can park in the area; imagine if there are 500 or 1,000 people exiting at 3:00 a.m.; they say it takes a valet two minutes to park and come back. This is based on the 1.05 factor. They started the project in July and the traffic report was done in November. They should do the traffic report in season. This is all deceptive. The goal is to understand the project so residents can understand what is being proposed. He urged the City to take a look at this huge project, and stated that the Planning Board meeting is July 28 and they have experts coming from their side to review the file. He asked the City Manager and staff to take a serious look at the facts.

Vice-Mayor Tobin will place this item on the next Regular Commission Agenda.

Discussion held regarding development in the area.

Commissioner Grieco asked what should go there; he knows the property owner has the right to do something with the space that works.

Mr. Berg answered to get the honest facts about the impact of this building; this is a three-way dead end. He is not sure what should go there, but perhaps they can put offices there. It is a nice building, but not for a nightclub until 5:00 a.m.

Commissioner Grieco stated that the area was built for a purpose, there are other entertainment destinations there, and he is not suggesting one way or the other, but he thinks he needs to have answers to during the planning process. Since there are allowable uses and has been approved previously for certain uses and certain capacity, it is hard for the City and the Planning Department what cannot be built, if it has been approved.

Mr. Berg is trying to get the facts of what they are proposing, and based on the research, he does not think it can work. He will try to figure out what should be there, but they need to know what is going to happen if the building goes up.

3. David Marzak stated that the reason he came on the Police and Fire Department is that the impact fees are very powerful; you cannot have taxi drivers in the zone, you cannot have anyone in the zone coming across the beach. At the end of the day, the City is going to start charging. The money has to be put in the "kitty" because you will give money to the Police Officers and Fire Department staff, what is called the revenue generation. At the end of the day, businesses come in doing minimal with a permit and are not putting money back into the community to help revitalize. The money has to stay in the City.
4. Alberto R. Machado has problems with Miami-Dade Transit Department. He referred to an article in the newspaper about the Transit Department in general and with the disabled. From 8:00 a.m. to 1:30 a.m., not one bus comes to the beach, because the dispatcher is closed, and people will have to take taxis; that is corruption. He complained of the behavior of drivers and how Miami-Dade Transportation is doing a disservice to the community. He thanked the City Commission for letting him express himself.
5. Steve Lightner recognized the City Commission for being very progressive in environmental policies, including the Styrofoam prohibition, the green roofs, expanding green canopy in Miami Beach and he is thrilled to be a businessperson in the City and being part of the community. He is also here to support ECOMB, who has been at the forefront of environmental initiatives, and in particular, they have the Miami Beach Center for the Environment, which includes sustainable practices for the City, and that along will get Miami Beach an acknowledgement around the country and hopefully around the world. ECOMB brings good things to the community.

Handouts and Reference Materials:

1. Notice in The Miami Herald Ad No. 1037

1:26:17 p.m.

Recess Announcement

Vice-Mayor Tobin announced a brief recess before returning to the Regular Agenda.

2:18:24 p.m.

R9C Update On The Miami Beach Convention Center Project.
(Office of the City Manager)

ACTION: Update given. Item heard in conjunction with item R9D. Discussion was also related to Items R7M, R9M, R9Q and R9R. **Maria Hernandez to handle.**

Clerk's Note: Bruno A. Barreiro, Miami Dade County Commissioner, was present during the discussion.

Jimmy L. Morales, City Manager, provided the update. On the Convention Center, they continue to be on schedule to bring a GMP, Guaranteed Maximum Price, for approval to the Commission on October 21, 2015. The current highlights of what is going on now in the construction team is that they are pricing the project, coordination meetings and work sessions are occurring every week. Tomorrow all day, the Construction Manager at Risk, and our cost estimator and team will be meeting with City departments to review plans, and provide input and comments for the final design. The Bond process is moving forward. The Parking RDA and resort tax models will be taken to the Finance Committee, and then to the Commission for approval during two meetings in September. After approval of the GMP, two readings will follow so Bonds may close prior to

commencement of construction. They are still targeting December, right after Art Basel for commencement of the Convention Center project. Fast-forwarding to the Headquarter Hotel, originally, they had talked about bringing a fully negotiated development and ground lease to the Commission today; however, additional time was needed to finalize the agreement with Portman Holdings and they are finalizing those. Therefore, on July 17 they plan to circulate the final lease agreement by LTC to the Commissioners. On July 31, 2015, they will bring that for first reading/public hearing, as well as a first draft of the referendum language. On September 2, a second reading/public hearing of the lease and referendum language will be brought. September 4, 2015 is the deadline for the final referendum language and lease to be submitted to the Supervisor of Elections to make the November referendum. They continue to move fast and on track, and will be back on July 31, 2015 as indicated.

Mayor Levine thanked Commissioner Barreiro and informed him that the City Commission would be writing him a letter, as they are inviting Commissioners Barreiro and Heyman to be present at City Commission meetings, at a specific time certain, when the City Commission has issues that deal with the County. **Fatima Perez to handle.** The City is going to try to give the two County Commissioners as much advance notice as possible, as there are things the City wants the County to do, and it would be more effective to have the two County Commissioners present representing Miami Beach. Mayor Levine asked him for his support.

Clerk's Note: See also discussion with items R7M and R9M.

Vice-Mayor Tobin stated that maybe they could take advantage right now while Commissioner Barreiro is present. They have an issue today regarding the City taking over some of the timing on traffic lights and putting up traffic signs where they think signs are needed, because the down time seems to be a lot for the County. Vice-Mayor Tobin is not expecting Commissioner Barreiro to be able to talk about it now, but he has received help from Commissioner Barreiro's Office in the past. Vice-Mayor Tobin remembers when they were doing the speed bumps on Pine Tree Drive, everybody said no; finally, Commissioners Barreiro and Heyman stated, "why don't you just ask us, we will get it done for you." They did within 60 days.

Commissioner Barreiro promised that he would work on things that are requested by the City. Commissioner Barreiro cannot guarantee that everything will be done, but they will move on them. Commissioner Barreiro believes traffic is definitely an issue, they live in paradise, everybody wants to live here, but traffic is one of those little glitches in the process. One of those little humps we have to go through. They have to work on. The issue of streets signalization and synchronizing has been an issue Countywide; especially now with more municipalities. Municipalities are more sophisticated and they are looking at the issue of controlling it or having some stake in that process. It is an issue to debate, to consider, look at, analyze and see how to best deal with it. Commissioner Barreiro stated that he was opened minded. **Jose Gonzalez to follow up.**

Clerk's Note: See item R9Q – Discussion of Beach Sand.

Commissioner Weithorn stated that later in the afternoon they are going to discuss the sand behind 59th Street, and some of the glass and material that is in it. They really need the County to work with the State to make sure that is remediated. After our people, our most important asset is the beach. Commissioner Weithorn showed some photographs and samples of what was in that sand. She would like the City to work with Commissioner Barreiro's Office, because if they can work together, she knows they can get that cleaned up. Last thing they want is someone getting hurt because of bad sand.

Commissioner Barreiro stated that they have met with the people from the buildings; he has met personally with some of them. It is definitely deplorable, the sand and the situation. The issue in a

bigger scale with that whole sand issue is that there is Federal legislation that has, unfortunately, prevented us from bringing in good quality sand, and Commissioner Barreiro thinks that all local governments that have beaches in Florida have to see how they can circulate around this and grab it and make some changes. The issue of dredging sand, creating a pit out a couple miles out offshore and bringing that sand in, it just goes back into the pit. It is the never-ending problem. Bringing sand from other places inside Florida, they are seeing that the quality is not there. There are Federal prohibitions of importing sand from off shore.

Vice-Mayor Tobin stated that the prohibition is only if they want to use Federal money.

Commissioner Barreiro agreed, and added that in all these issues, Miami Beach has a big stake in it, and Commissioner Barreiro will be glad to work with the City.

Mayor Levine stated that the issue with cleaning up this particular part of the beach, is the State or the County will not let the City do it because its turtle-hatching season and; therefore, the cleanup must wait.

Commissioner Weithorn heard that a waiver on the cleanup had been received.

Elizabeth Wheaton, Assistant Building Director, Environment & Sustainability Division, explained that the County has a permit that would let them conduct activities in this area during turtle nesting season. The County needs to get the joint coastal permit modified with the State and the United States Army Corp of engineers. The City is waiting for that.

Commissioner Barreiro asked Ms. Wheaton if the County could modify the permit itself at the County level without the State's permission. Ms. Wheaton responded that it needs to be modified by the County, and the Corp needs to be onboard and expedite that process. Based on initial conversations, they will potentially expedite, but they are still in conversation. The County DERM needs to modify the permit.

Mayor Levine asked Commissioner Barreiro for assistance with the modification of the permit.

Commissioner Barreiro stated that if it is an issue that the County can do unilaterally itself, they will modify it. If it is an issue that the County needs a sign off from the Corp, they all know how that is.

Clerk's Note: See also discussion with items R7M and R9M.

Commissioner Malakoff thanked Commissioner Barreiro for all that he can do to help us with both the beach sand and expediting it. With our regional transportation problems, what the City really wants is to depend on the County as much as they can for regional issues, and help the City to, for instance, with the traffic signals and traffic calming, help the City locally so that they can take care of their own traffic problems, since they are on the scene, at the time they are seeing the problems. They still need the County desperately to help them with all the regional transportation and sand problems.

Mayor Levine added that if they encourage Commissioners Barreiro and Heyman to sponsor something like that, and if each City Commissioner can call up whichever County Commissioner, they have a relationship with; it could help move this forward.

Vice-Mayor Tobin gave an example that the City wanted to put trolleys over the City, and the City was going to pay for them. Yet the County was reluctant as they stated there are already buses. The City's position is that, to the extent that there are some redundancies, it will be better for the

people because they will have more transit options. The Commission was told by City staff that it is very difficult, even though the City wants to pay for it, and is willing to spend \$10 million to do it. The County had to approve the City doing it because there may be a loss of revenue on public buses.

Commissioner Barreiro responded that if the City runs a route on an existing Miami-Dade Transit route, the County permits up to 30% of that route for there to be another mode of transportation. When it is more than 30%, it is competing and it is taking away paying revenue from the County Department. In addition, the County is concerned about that, because they all know transit runs in a deficit. However, any road that Miami-Dade Transit is not running on, the City is open to operate.

Vice-Mayor Tobin explained that the City's proposed route will go across the middle of the beach by Flamingo Park and that is definitely not a County bus route.

Clerk's Note: See also discussion with items R9R.

Vice-Mayor Tobin stated that they have the Watson Island project, that they have all been scratching their heads and struggling with, and they saw in the newspaper recently that, he believes the City of Miami will be working with the County, in regards to all the sewage that is going to come out of that project, it is about 190,000 or 200,000-gallons a day of sewage. The City's research has shown that much of the sewer pipe coming from Miami Beach and going to the sewer plant on the other side of Fisher Island is a pipe manufactured by a company called Interpace, which is pre-stressed cylindrical concrete pipe concrete that is defective. The City is concerned that when the pipe goes to Fisher Island, and gets tied into that system, that to the extent it will be connected to bad pipe, the City was worrying that maybe they would have some sewage disasters potentially. How does the City get a seat at that table when the management of the sewage and the impact of the sewage are discussed? How does the City become involved in that process when the County is deciding how to manage the sewage from that project?

Commissioner Barreiro explained that the pipe from the beach to Fisher has just been redone. The County expects that to have the capacity necessary. The portion in question would be from Fisher to Virginia Key. They will a look to make sure that the capacity of that pipe is analyzed and see how they can sit the City's experts with the County experts, and make sure that those concerns are being taken care of and addressed. He is sure his staff is taking notes, watching this meeting, and they will be contacting Vice-Mayor Tobin and City Manager Morales, and making sure that that the City is somehow involved in the process, whether it is a seat at the table or a working group. **Eric Carpenter to follow-up.**

Vice-Mayor Tobin complimented Commissioner Barreiro's responsiveness.

Clerk's Note: See item R9Q – Discussion of Beach Sand.

Commissioner Weithorn wanted to finish her comments about beach sand. She passed out samples of glass and materials taken from the beach. She also has photographs. The public has thought that the City is not on it; but the City is on it. They really need to have the County and State partner with the City. They really need to advocate together because what she is holding is a bag full of glass. The last thing they want is a beachgoer being injured. They have no seat at the table. The State gave the permit, not the County, for the glass and debris to be dumped on Miami Beach. It does not meet our standards. This has to be stopped and fixed. The Fire Rescue has to go out when people get hurt, and this has additional cost to the City. That is why they have to be so diligent.

2:32:15 p.m.

City Clerk Rafael E. Granado announced that the RDA portion of the meeting is concluded.

2:18:24 p.m.

R9D Discuss The Convention Center Headquarter Hotel.
(Office of the City Manager)

ACTION: Discussion held. See action with item R9C.

4:05:00 p.m.

R9E Update On The Miami Beach Centennial.
(Office of the City Manager)

ACTION: Update given. Motion made by Commissioner Malakoff to proceed with the publication/update of "The History of Miami Beach" by Howard Kleinberg, Arva Moore Parks and Carolyn Klepser; seconded by Commissioner Weithorn. Voice vote: 7-0. **Max Sklar to handle.**

City Manager Jimmy L. Morales stated that the last remaining issue with the Centennial was the publication of a Centennial book, which had been included in the budget. As the Commission recalls, there were issues with the previous author. They had a proposal that came forward; Commissioner Malakoff brought her copy of the famous [Howard Kleinberg book](#), considered the best history book written on Miami Beach. It is dated by 20 years; however, Howard Kleinberg, Arva Moore Parks and Carolyn Klepser have offered to update the book by 20 years and then to recover it and to do a commemorative Centennial edition.

Mayor Levine inquired as to the cost.

Max Sklar, Director of Tourism, Culture, and Economic Development Department, responded that it is \$80,000, which would include the update plus 2,000 copies of the book for the City to either sell or distribute.

Mayor Levine inquired if the City could sell advertisement in the book.

Commissioner Malakoff responded that advertisement should not be sold. She believes a better idea, as was done when the original book was published in 1990, and Commissioner Malakoff was working at Jefferson National Bank, is to sell the books to different companies and the Chamber of Commerce and that help offset the publishing of the book.

Vice-Mayor Tobin does not want the City to ask vendors to purchase the books.

Mayor Levine stated that Vice-Mayor Tobin does not want the book to go to any vendor, supplier or developers.

Commissioner Malakoff clarified that she had only suggested banks, not vendors. In response to Commissioner Steinberg's question, City Manager Morales stated that his recommendation is to authorize the City to go forward with this commemorative book, and they can make it available to the Chamber and at Visitors Center to sell, or they can use it to make it available to dignitaries, or a combination of both.

Discussion continued as to who should be allowed to sponsor the publication costs.

Commissioner Weithorn inquired that there were two other items on the agenda item. One, Commissioner Weithorn does not really understand it at all, it was about a movie and the other was a second book. She asked for an explanation.

City Manager Morales explained that information on the movie should not have been included in the item, as it was merely a proposal that had been made to the City. There is a second proposal that is not an either or. Thane Rosenbaum, who is graduate of Miami Beach High School, has written a book about the 70s in Miami called "How Sweet It Is," and Rosenbaum is proposing the idea of having a communitywide read, where everybody would read the book and discuss it. The Administration thought it would be an interesting idea.

Max Sklar explained that there are a number of cities, the idea started in London, where a book is selected and that community reads, make it a big event, the concept is to use Rosenbaum's book, as it is Miami Beach themed, as the kick off selection and then annually repeat the concept if successful.

Motion made by Commissioner Malakoff to proceed with the publication/update of "The History of Miami Beach" by Howard Kleinberg, Arva Moore Parks and Carolyn Klepser.

Vice-Mayor Tobin mentioned that Thane Rosenbaum was the valedictorian of Miami Beach High in 1978 and both his parents were Holocaust survivors.

Commissioner Malakoff suggested that Vice-Mayor Tobin commence reading the Rosenbaum book prior to voting on the item to ensure the Vice-Mayor believes it is suitable. Commissioner Malakoff has begun to read it.

Discussion continued

Motion made by Commissioner Malakoff to proceed with the publication/update of "The History of Miami Beach" by Howard Kleinberg, Arva Moore Parks and Carolyn Klepser; seconded by Commissioner Weithorn.

11:43:55 a.m.

R9F Legislative Lobbying Wrap-Up Presentation To Discuss The 2015 Legislative Session And Special Legislative Session.

(Sponsored by Mayor Philip Levine)

ACTION: Verbal report given. Item heard in conjunction with R9G. **Fatima Perez to handle.**

Michael Cantens, Legislative Lobbyist, thanked the City Commission for allowing them to discuss the 2015 Special session. They had a roller coaster over the last six weeks, but the Florida Legislature was finally able to wind things down and pass a budget on June 22, 2015. He summarized the policy items important to the City.

- 1) The **Police Body Camera Public Records Exemption** was signed into law by the Governor on May 21, 2015 through diligent work of Senator Smith. They were able to reduce the retention schedule for videos to 90 days and provide specific circumstances in which Law Enforcement Agencies may disclose confidential and exempt body camera recordings. They thanked Chief Oates and Aleksandr Boksner for their expertise in the language they provided to move a piece of legislation that would not have been hopeful to the City, or economically feasible.

- 2) There was also the possibility of new **Florida destination casino** being operated outside the bounds of the Seminole gaming compact and that enjoyed a brief revival earlier in session, but after a four-hour marathon workshop on the issue, any destination resort in South Florida were removed and it was fixed only on pari-mutuel gaming.
- 3) There was a shift in focus that the Legislature put towards **economic incentive programs**, one of those being enterprise zones. They worked in conjunction with the Florida League of Cities and the Florida Association of Counties proposed new legislation to renew the very good enterprise zone that Miami Beach has, but the final product at the House of Representatives came out with would have removed any State funds for these businesses being provided and ultimately these enterprise zone credits are set to expire in December 2015, but there will be an extension of three years for companies that have an economic development contract with the Department of Economic Opportunity, which should be a total impact of \$1.4 million; there are currently 34 businesses throughout the State that are eligible for this. The City's eco zone was left untouched and unharmed by these changes and that will continue to move forward.
- 4) The other issue that was not renewed was the **film tax credits**. During the session, there was data released on the effectiveness of these films before the Office for Film and Entertainment released numbers that said \$926 million in wages and industry impact was \$4.1 billion in Florida, but the legislative policy analysis arm said that there was a negative impact to the State on return investment. They expect this to come back next year.
- 5) There was a Bill that was filed that would have made it illegal for any **transgendered citizen to use a single sex restroom** that did not match the gender they had at birth. That had some "legs" at the beginning of Session within the House, but they were able to stop in the Senate and then it did not even receive one hearing and ultimately died.
- 6) **Regulation of utilities**, which would have prevented local governments from requiring utilities to pay the cost of relocation of utility equipment within the right of ways for non-transportation purposes; they believe the impact to the City would have been in the millions of dollars, and even if the Bill passed through the House it ended up dying in the Senate. They expect the utility companies to bring this issue back and continue to fight.
- 7) **The anchoring and mooring** issue they have been working on with FWC, they worked with Senator Dean to require 200-foot setback to residential properties, and that Bill moved through the first two committees of reference, but with the unforeseen ending of session, that also died. Their conversation with Fish and Wildlife indicated that they will continue to workshop this issue over the summer, and House Chairman Greg Steube will oversee the highway and water safety committee has told them that he will bring this up again next year.

Jerry L. McDaniel, Florida's Director of the Office of Policy and Budget, added that in addition to the policy issues that Mike summarized, they focus on two appropriation issues.

- 1) The Intelligent Transportation Systems issue, they sought funding on and received some funding, but the City asked for \$5 million and they receive \$100,000, which is a very small amount; the Governor vetoed both those appropriations amounts. They had Jose Gonzalez, Transportation Director, testified to the committee in the Senate.
- 2) On the Stormwater issue, they asked for \$5 million for a very large project, and received \$750,000; and the Governor vetoed that as well. They utilize the City's delegation, President Margolis and State Representative Davidson as well as working with both the House and

Senate shares and members of both committees to seek the appropriations, both of which the Governor vetoed these items.

Michael Cantens, Legislative Lobbyist, added that the City received \$277,000 in SHIP funding for the upcoming year.

Commissioner Grieco asked who is lobbying the Governor's Office because they have a laundry list of items and he needs to know where the City fell short. They came out short this year.

Mayor Levine clarified that he personally went there, and he met with the Governor's Chief of Staff, and he spent time there at his own expense, and what happens to the City, is what happens to all municipalities in Miami-Dade County; the veto by the Governor was for everyone; all projects were completely cut by the Governor, it was unexpected, and they all suffered.

Mr. McDaniel stated that Mayor Levine is right; he lobbied the Governor's Office and he ultimately vetoed items. He worked for both Governors during the last seven years, as the State Budget Director for Governor Chris, and there are many things at play at times; this year Governor Scott was going for a record number of vetoes; last year he vetoed \$70 million of items; this year it was \$460 million of items. Everyone was hit equally hard. This Governor is led by his staff and his staff is advocating for a large number of vetoed items. The Legislature is very unhappy. Members of the Senate were targeted because of the Medicare expansion issue.

Michael Cantens stated that they met with Chief of Staff and agency heads to talk about these projects, and many of these projects may be under the understanding that it is good policy and these projects need to be done, but unfortunately other issues like Medicare expansion people were targeted for.

Mayor Levine added that Chief of Staff Fatima Perez was up in Tallahassee working with the City's lobbyists as well.

Ms. Cantens explained that Fatima had done a great job for the City and she certainly is an asset for the City.

Vice-Mayor Tobin stated that the City is spending a great deal of money and getting ready for sea level rise, and wondered if in the next four or seven years they will spend millions of dollars, is there someone lobbying Tallahassee, not just to help the City with these station pumps; but is there a Statewide movement to lobby Tallahassee to help all the coastal municipalities to pay for the extra dollars for the pumps.

Michael Cantens stated that Miami Beach is at the forefront of this issue and there has not been an organized larger group of coastal communities moving on the issue; with the meeting of the Coastal Mayors tomorrow maybe it will get the conversation started; but they have been able to foster a relationship with the Department of Environmental Protection to understand what the City's problems are.

Vice-Mayor Tobin stated that he does not want to be at the forefront spending approximately \$600 to \$700 million worth of taxpayers' money to prepare for something that is going to happen in 40 or 50 years, and then find out in 20 years that the Federal and State governments will get on board and start giving cities what they should be getting now. He wondered if he could get a coalition of cities in Florida to convince the State Legislature that spending money now is a worthwhile endeavor and see what the response is.

Mayor Levine agreed with Vice-Mayor Tobin and added that this is a world issue; it comes down to the debate and it gets political as to the cause of sea level rise. This issue has been thrust upon Miami Beach because they see the flooding that happens in various times of the year. The Administration and Tallahassee and the Governor do not believe it is important and the City does not have a choice, so they are making the move forward. However, he agrees that getting an alliance of coastal cities in Florida to come together and put pressure on Tallahassee is something they need to work on. Miami Beach is the pioneer City making major strides to create resiliency and fight back sea level rise. They are doing it and learning as they go.

Mr. McDaniels has not seen any conversations on sea level rise resonate in Tallahassee, but to get that underway, there may need to be a coalition of cities or counties, but with the Secretary of DEP Jon Steverson; who is also very concerned and has been appointed by the Governor, but they hear it but have not taken the issue seriously at State level, or taken any steps for doing anything at this time.

Commissioner Malakoff asked for help from the City's Lobbyists and all the coastal municipalities, from the State of Florida and the Federal Government. Mayor Levine is having a meeting with coastal municipalities and the County; another issue is that of beach re-nourishment and they have not had cooperation over the years. Tourists come to Miami Beach, and to disregard rising sea levels and the City beaches is to disregard themselves.

Commissioner Weithorn suggested computing what the City's fiscal impact is and let the State of Florida know what is at risk, if they do not support the City, because without Miami Beach tourism, not only does the City hurt, but the entire State hurts. This is an engine, not only for all of Miami-Dade County, but for the entire State of Florida. It is important that we point out the dollars and cents.

Mr. McDaniel explained that he asked that those numbers be put together, and with the two budget issues he spoke of, they used tourism amounts and try to compute sales tax to at the local level, and they still fell short in terms of what the Governor wants. In the future, they will do a better job communicating that message. They will show the Governor how State revenues might degrade if tourists stop coming to Miami Beach, and that should resonate.

Discussion held.

Commissioner Steinberg added that the comment made by Governor Scott that this does not affect the entire State is an erroneous comment, when one part of the State is greatly affected, it affects the entire State, and she thinks his comment was shortsighted.

11:43:55 a.m.

R9G Discussion Regarding 2015 State Lobbying Successes And Failures As They Apply To Miami Beach Commission Resolutions And Legislative Priorities.

(Sponsored by Commissioner Michael Grieco)

ACTION: See action with item R9F.

4:09:56 p.m.

R9H Discussion Regarding The Lease Agreement With ECOMB, Inc. For The City Owned Property Located At 210 Second Street.
(Tourism, Culture & Economic Development)

ACTION: Discussion held. Commissioner Weithorn made a motion to renew ECOMB's lease agreement for one year, and during said year ECOMB is to bring back a plan to the Commission to see if ECOMB has developed the fundraising campaign to renovate the building by the end of the lease year, if ECOMB cannot make that work, the City Commission can terminate the agreement for convenience. Motion seconded by Commissioner Wolfson. Voice-vote: 7-0. **Max Sklar to handle.**

Max Sklar, Tourism, Culture & Economic Development Director, explained that the City has a lease with ECOMB at 210 Second Street; the lease expires December 2015 and has no renewal options. They are asking for direction before negotiating with ECOMB regarding the lease. The City has vacancies at the 17th Street Community Center if the City Commission wishes to offer that alternative.

Commissioner Weithorn explained that ECOMB has 200 square feet of enclosed space. At this point, she is not sure the City has a master plan of what to do with this space, but her main concern is with the lease. She wants ECOMB to stay partners with the City. If one day the City comes up with a brilliant idea of what it wants to do with the space, it is important that the City can require ECOMB to relocate. She asked if such a clause was in the current lease. She is in favor to let ECOMB stay, as ECOMB serves a purpose at the location.

Mr. Sklar answered that they could add language regarding relocation of space if needed.

Commissioner Grieco stated that ECOMB pays \$1.25 a year for a free standing building in the middle of the South of Fifth Neighborhood; ECOMB covers utilities and other operating expenses. The property is adjacent to green space and ECOMB has been there for five years. His suggestion is that they extend the lease on a month-to-month basis, and bring the item back in September 2015. (September 2, 2015) In September, it should be put out to bid to see what proposals come up with what to do with the building. The Commission was looking for a place for SoBe Arts, FIU, and potentially the Jewish Museum was looking for classroom space. The problem is that there is a great deal of talk but no action by ECOMB. Yet when ECOMB's lease is up, all of a sudden, ECOMB starts sending emails and showing the Commissioners poster boards regarding all of the upcoming activities they have planned. As the Chair of the Sustainability Committee, Commissioner Grieco asked for support from ECOMB, specifically on a Beach Clean Up project, and ECOMB's response was that they are not required to do it. Commissioner Grieco was very unhappy with such a response. Today ECOMB is showing renderings of grandiose ideas, but before the lease was about to expire he never heard of these plans. Commissioner Grieco added that there is other space available on Sixth Street that would serve the same purpose, and there may be a better use of this building and space currently utilized by ECOMB. This is an opportunity for the City Commission to re-evaluate this City property. ECOMB does great work, but he is not sure if the same location is the answer.

Commissioner Weithorn would rather have ECOMB in the building that keep it empty.

Commissioner Malakoff stated that she thinks they should extend the lease on a month-to-month basis if needed, and added that ECOMB does a very good job with Adopt-A-Beach and other projects that they work very hard on; and whether it is the best use for the facility, she does not

know, but ECOMB has visions of building a real environmental center, but this requires ECOMB raising money that they do not have at this time. That is something for the future.

Brian Scheinblum, Vice-President of ECOMB, clarified that ECOMB proposed an expansion a couple of years ago, and due to the situation with the lease, the City Attorney explained that they could not authorize it unless they had a full lease extension, due to the amount of work on the project, and they have been on hold on the expansion pending this point in time. Mr. Scheinblum understands that the City may want to do something else with the property, and he reaffirmed that ECOMB is here for the betterment of the community. However, if the best the City Commission can do is a month-to-month extension of the lease, there are six months remaining on the lease, and they would like to work something with the City Commission authorizing a six-month notice. By the time the City does an RFP (as suggested by Commissioner Grieco) it would take about six months. Of course, they would prefer to have a long-term lease.

Mayor Levine stated that he agrees that ECOMB is an important part of Miami Beach. The South of Fifth neighborhood has changed dramatically over the years. The feeling is that they do not want to kick ECOMB out, but at the same token, they want to figure out how best to utilize this piece of real estate for the benefit of residents and the betterment of the entire community, and at the same time help ECOMB. Mayor Levine thinks they can do a month-to-month extension with a six-month notice; that is reasonable. In the event that the City needs to do something different with the land, then they can relocate ECOMB to a convenient location.

Vice-Mayor Tobin stated that Miami Beach is a progressive City, and environmental consciousness is a good thing. Vice-Mayor Tobin stated that Luiz Rodriguez has been discussing environmental issues even before it was popular, but he requests that Luiz submit what ECOMB is doing on a month-to-month basis, in order for the City Commission to keep track of what ECOMB is doing for the community. Vice-Mayor Tobin agrees that ECOMB use of this facility is not the best use for this property, and the City Commission needs to consider that. Vice-Mayor Tobin is in support of renewing the lease, and thinks that in the future the City Commission needs to discuss what they want to do with the property. Even though the Adopt-A-Beach program did not work, he is in support of renewing the lease.

Discussion held.

Luiz Rodriguez, ECOMB Director, stated that they have worked with the City and there was some down time in between, but this year the Adopt-A-Beach program is moving forward.

Frank Del Vecchio gave a summary of previous building tenants at the property, and added that the problem with the building is that it is a contributing building in the Ocean Drive Historic District, and if ECOMB is representing that they are actually pledging to have a fundraising campaign so the building can be upgraded and modified with the approval of the HPB, he does not think the City can get a better proposal. If ECOMB can make a fundraising commitment to the City, which Mr. Del Vecchio does not think ECOMB can do if the lease is renewed only on a month-to-month basis, then Mr. Del Vecchio is supportive of the one-year lease extension. At this time, ECOMB is not doing harm; the building is active and maintained, and the impact is low.

Commissioner Malakoff moved to renew the lease for another year and see if ECOMB can renovate the building as suggested by Mr. Del Vecchio.

Discussion continued regarding appraisal of the property.

Commissioner Weithorn made a motion to renew ECOMB's agreement for one year, and during the year, ECOMB must bring back a plan to the Commission to see if they have the fundraising campaign to renovate the building; and at the end of the year if ECOMB cannot make that work, the City Commission can terminate for convenience and find other use for the building. The City Commission is supportive of ECOMB and they know the organization serves a function; seconded by Commissioner Wolfson.

Mr. Scheinblum clarified that the idea is for ECOMB to embark on a fundraising campaign, and when they have committed funds to move forward with the project they will come back to the City Commission to consider a long-term lease that would allow them the time to do the construction.

Commissioner Wolfson added that if ECOMB came back with commitments for fundraising for enough money to do that construction, and present them to the City Commission, that is a tangible thing the Commission can consider in awarding a long-term lease.

Vice-Mayor Tobin asked ECOMB to submit the work and efforts they perform in the community on a monthly basis. Even if ECOMB cannot raise the money to build the new building, if ECOMB is able to prove to the new City Commission that they actually serve the community with a worthwhile purpose they would have a chance for a renewal.

Mayor Levine stated that they cannot speak for the new Commissioners, but the City is open to all options.

Handouts and Reference Materials:

1. Email from South of Fifth Neighborhood Association [sofna@sofna.net] dated July 6, 2015 at 10:32 AM, Re: City Commission Meeting Bulletin.
2. Renew ECOMB's Building Lease at 210 Second Street Letter of Support.

4:28:12 p.m.

R9I Discussion Regarding The Storm Drain Gratings At City Hall.
(Sponsored by Mayor Philip Levine)

ACTION: Discussion held. **Eric Carpenter to handle.**

Jay Fink, Assistant Public Works Department Director, explained that they have done pilot program and installed the gratings at three locations, and they are committed to get more drain gratings installed.

Discussion continued.

Mayor Levine stated that the intent is to have the Storm drain gratings installed Citywide. There was consensus to move forward with the program.

4:29:56 p.m.

R9J Discussion On Beachfront Management Plan Ad-Hoc Advisory Group Meeting Date.
(Environment & Sustainability)

ACTION: Discussion held. **Elizabeth Wheaton to handle.**

City Manager Morales explained that this was to provide public notice for the date of the meeting, pursuant to State Statute.

Rafael E. Granado, City Clerk, read the notice into the record:

Notice is hereby given that a public hearing will be held by the Beachfront Management Plan Ad-Hoc Advisory Group of the City of Miami Beach, Florida, in the City Manager's Large Conference Room, Fourth Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Tuesday, August 18, 2015 at 9:00 a.m.**, or as soon thereafter as the matter can be heard, to consider and provide input on the City's Beachfront Management Plan in accordance with Chapter 259.032(10) of the Florida Statutes.

Inquiries may be directed to the Environment and Sustainability Division at 305.673.7010.

4:30:47 p.m.

R9K Discussion Regarding Garage For Collins Park Neighborhood.
(Sponsored by Vice-Mayor Edward L. Tobin)

ACTION: Discussion held. **David Martinez and Office of the City Attorney to handle.**

DIRECTION:

- ✓ Send Zaha Hadid Architects a formal demand letter to preserve the City's rights, requiring her to submit the redesign of the garage within 30 days and within budget, at no cost to the City, as provided for in the contract.
- ✓ If unable to do so, the City has the option to terminate the contract and put Zaha Hadid in breach or default.
- ✓ Begin litigation or mediation to recover damages incurred.
- ✓ Make adjustments is needed if indicated by market conditions
- ✓ CIP to track previous drawing and complete plans and submit to City Commission
- ✓ Administration to move forward with the RFP to search for local architect to redesign the garage.

City Manager Morales explained that they reported previously that the 60% drawing cost estimates done by the City's cost estimator had come in at approximately \$41 million. The City Commission agreed to direct the architectural firm of Zaha Hadid Architects to try to get it within 5% of the budget of \$25 million, as per the contract. However, they are still about \$40 million for the cost to build the garage. One option at this time is to terminate the contract, and at \$40 million, they are talking over \$90,000 per space, which is an incredibly high number. Zaha Hadid is in conversations to look at a P3 option, where presumably a private entity would come in and finance either the difference between the City's budget and the \$40 million, or perhaps even the entire garage; but they have not received a formal proposal. He believes that for the difference, they would probably want to take over the retail, and obviously, if they are going to finance the entire thing, it would be a private garage at that point. That would be the only scenario that he can see for them to do a Zaha Hadid design, but again there is no formal proposal.

Commissioner Wolfson stated that under the agreement Zaha Hadid should have designed the garage at the price given, so why not redesign at the price given. Has she been asked to redesign? The City had a certain budget for the Collins Park Garage and hired an architect within a budget to design a garage, and the architect comes back with the price of \$25 million over; and there is a provision in the contract that she had to go back and redesign it. When she was asked to redesign, what did she say?

David Martinez, CIP Director, stated that with the redesign, in his opinion, the architect just downgraded what they had designed, and what needs to happen is it just needs to be redesigned differently. For example, a glass elevator now looks like a regular elevator; the plaza is now just concrete, lacks landscape, furniture or elements of that nature, so they basically downgraded the design.

Commissioner Wolfson stated that Zaha Hadid should come in front of this City Commission or they should institute litigation against them and get the City's \$1.8 million back for totally disrespecting the City and not getting what the City paid for in a reasonable period. Until they do, the City should try to blow up any future business she gets in any other community.

Commissioner Grieco stated that when this went public of how far off the budget the City was, a letter went out blaming the City for market conditions for being \$24 million above budget. He wants the public to understand that this budget was adjusted for sea level rise, and then they blamed the City for being over budget, because the City adjusted it for sea level rise, but the architects did not take this into account. He agreed with seeking other alternatives, but there needs to be a garage there, however it is done.

Mayor Levine agreed with Commissioner Grieco and added that this agreement with Zaha Hadid was entered into in 2011. Zaha Hadid is one of the greatest, most amazing, world famous, Pritzker winner Architects that the world has seen. She is the best of the best. A garage designed by Zaha Hadid is a challenging match that he is not sure he would have ever done. In litigation, she will have her side, and there is going to be some happy medium down the road; but the bottom line is that the City needs a garage there; there are amazing local architects that can complete this. He would try to resolve this with them through the Office of the City Attorney, make a settlement and get out of the deal, go to litigation if that is what they want, but get the garage built. His advice is to get the garage built, look towards the future, and get things rolling.

Discussion held regarding previous controversial designs done by Frank Gehry.

Commissioner Wolfson added that Zaha Hadid should not have taken up the deal if she was not capable of designing a garage within budget. He thinks the first option should be to get Zaha Hadid to redraft this and get it right for the money they paid for it, and if unable to do so within a reasonable time frame, then the City can get a good architect to do a fantastic garage.

Commissioner Weithorn wants the public to understand what the issue is. Frank Gehry did design a garage that the City could afford, and when he was asked to design the park, he told the City upfront what the cost was and the City could not afford it, so they parted ways somewhat amicable in the end. What happened here is different; Zaha Hadid said they could design a garage for the City's budget, but they designed something beautiful, but it is in an irregular shape, that is difficult to manufacture, and that is where the cost comes in. She asked how they can go forward when they know that the design itself is causing the City a huge overrun. This is what they need to deal today.

Mayor Levine advised the Office of the City Attorney to give Zaha Hadid an opportunity to cure; find what the next steps are and then find a local architect to redesign the garage.

Discussion continued.

David Martinez, CIP Director, in answering Commissioner Wolfson's question, stated that the contract with Zaha Hadid is nearly \$3 million, not including the remaining part of the design or construction phase.

Discussion continued.

Vice-Mayor Tobin summarized that the first step is to preserve the City's right and have someone study the contract and give notice and opportunity to cure. Zaha Hadid is a world-class architect, but she took the contract knowing the City was not willing to pay in excess. He never voted for it, but it is not unprecedented that the City hires star architects for the garage, so the City has to protect its rights within the contract. There are an existing set of plans drawn up for the garage on this piece of property and he thinks there is also a complete set of finished plans. Let us protect the City's rights, get out of this jam and built the City a garage.

City Manager Morales stated they send the appropriate letter as reviewed by Legal.

Ray Breslin spoke.

Mayor Levine reiterated that he suggested allowing the City Attorney to handle it, negotiate, get out of this situation, go through an RFP, and build a nice garage.

Discussion continued.

Commissioner Wolfson suggested that since they gave them notice already, and they said no, tell them that this is not acceptable and give them 30 more days to cure the wrongdoing; if they do not do it right and redesign the entire thing, then they go out and consider using other architects.

Discussion continued regarding existing plans.

Commissioner Grieco clarified the direction; to give Zaha Hadid 30 days to redesign within budget and get within their contractual responsibility at no extra cost; if unable to do so, then the City will prepare an RFP and search for an architect.

Discussion continued.

Raul J. Aguila, City Attorney, stated that they will send Zaha Hadid Architects a formal demand letter, which has not been done yet, to preserve the City's rights, requiring her to submit the redesign of the garage within budget, at no cost to the City, which is provided for in the contract. If she is unable to do that, then the City has the option of terminating the contract and putting the architect in breach or default, and terminating the contract; at that point they will be in litigation or mediation to recover damages incurred.

Commissioner Grieco suggested once that happens, in anticipating of that happening, they should direct the Administration to move forward with the RFP.

Commissioner Wolfson added when Zaha Hadid Architects go for future agreements, that the City intends to communicate truthfully.

Discussion continued regarding 18,000 square foot of retail.

City Manager Morales explained that he has been contacted by one group that has offered, in exchange for the retail, or perhaps adding some more retail, they would be interested in funding the difference between the City's budget and the proposal.

Discussion continued regarding retail revenue.

Vice-Mayor Tobin requested tracking down the previous set of plans. **David Martinez to handle.**

David Martinez, CIP Director, inquired if they proceed with the RFP, will it be with the same criteria and scope of work that was in the original, with plaza, retail and at least 400 spaces of garage.

Commissioner Weithorn explained that if he had to adjust anything for market conditions that is agreeable, but nothing beyond that.

Discussion continued regarding the amount that was over budgeted.

3:07:18 p.m.

R9L Discussion And Update Regarding Undergrounding Of FPL Lines In The Venetian Islands And Citywide.

(Sponsored by Vice-Mayor Edward L. Tobin)

ACTION: Discussion held and update given. See discussion details with R7O. Vice-Mayor Tobin referred the portion of R9L to the Neighborhood/Community Affairs Committee by acclamation to discuss electrical undergrounding Citywide. Lilia Cardillo to place on the [September 2, 2015](#) Commission Agenda. **Daphne Saba to place on the Committee agenda. Eric Carpenter to handle.**

REFERRAL:

Neighborhood/Community Affairs Committee

Handouts or Reference Materials:

1. Email from Dessiree Kane dated July 7, 2015 RE: Time Certain request.

1:46:41 p.m.

R9M Discussion Regarding The City Of Miami Beach Assuming Jurisdictional Authority Over Certain Traffic Engineering Components On Local Roads Within The City Of Miami Beach.

(Sponsored by Commissioner Michael Grieco)

ACTION: See action with R7M and discussion with Item R9C.

4:51:08 p.m.

R9N Discussion Related To Traffic Calming Solutions At 24th Street And Collins Avenue.

(Sponsored by Commissioner Micky Steinberg)

ACTION: Discussion held. **Jose Gonzalez to handle.**

Commissioner Steinberg informed that Ray Breslin has been complaining about the dangerous safety situation for pedestrians crossing the intersections of 24th Street and Collins Avenue and she suggested bringing the item for discussion to see what they can do, even though it is a State Road. She introduced Jose Gonzalez to give an update.

Jose Gonzalez, Transportation Director, stated that they are well aware of the safety issues particularly at this intersection; it is an extremely challenging location because of the curve. About a month and a half ago, he and staff joined Ray Breslin and other representatives from the Collins Park Neighborhood Association on site, they had FDOT representatives as well, and they presented four items that FDOT is still in the process of evaluating, and the City is pending for

their feedback. The issues discussed that would improve pedestrian safety at that location are, first; speed feedback signs ahead of the curve in both directions. The Police Department recently conducted a spot speed study at 25th Street and Collins, about a block away, and there was a 5 mile over the speed limit speeding, which is not significant, and not enough for heavy enforcement, but enough to have some traffic calming measures implemented.

Commissioner Steinberg asked why the study was done at 25th Street when the issue happens at 24th Street.

Mr. Gonzalez explained that 24th Street is where the curve exists, and the Police Department felt that to have their devices about a block away would have caught the speeders. In essence, what they have along this portion is both speeding at both at 24th and 25th Streets. At the curve, the speed is reduced significantly. One of the measures FDOT is looking into is the speed feedback signs. The second issue is a buffer to protect pedestrians when standing on the west sidewalk at 24th Street and Collins, which when pedestrians are standing there, it appears as if cars are coming towards you.

Commissioner Steinberg explained that walking down the west side of the Street is very dangerous, and installing a buffer there just might work.

Mr. Gonzalez continued with the third item, which would be a long-term solution to realign that curve, and basically reconstruct that portion of the roadway and work with the geometry to make the curve have a larger radius. Lastly, they are also looking at relocating some U-turn signs that are not placed at the proper location. Other City specific items include painting the light rail green along the creek, and they are discussing with the Public Works Department to see if that is something they can undertake. They will follow up with FDOT for the pending issues and elevate issues as necessary.

Ray Breslin, Miami Beach resident, stated that this issue has been a passion of his for years, and the City is taking positive steps in the right direction. He explained the pedestrian safety issues when crossing 24th Street. He suggested to the State to install a shoulder to protect the pedestrians, but nothing ever happened. He suggested eliminating the crosswalk there, and moving it between 24th and 23rd. They need to move this forward and suggested the City Commission creates a task force to monitor this.

Commissioner Steinberg asked the Administration to continue to be on top of the issue and to put pressure at State level, as well as meeting internally to see what can be done immediately.

4:58:25 p.m.

R90 Discussion Regarding Strengthening Our Ethics Ordinances With Regard To Vendors And PACs.
(Sponsored by Commissioner Deede Weithorn)

ACTION: Discussion held. Motion made by Commissioner Weithorn to request an informal opinion from the Director of the Ethics Commission, Mr. Centerino, whether a contribution by a vendor, real estate developer or lobbyist to a political committee constitutes an indirect contribution under the City's Ordinance; seconded by Vice-Mayor Tobin. Roll call: 3-4; Opposed; Commissioners Grieco, Malakoff, Wolfson, Levine. Motion failed.

DIRECTION:

Direction given to the Office of the City Attorney to bring item back to the **September 2, 2015** Commission Meeting. **Office of the City Attorney to handle.**

MOTION:

Motion made by Commissioner Weithorn to request an informal opinion from the Director of the Ethics Commission, Mr. Centerino, whether a contribution by a vendor, real estate developer or lobbyist to a political committee constitutes an indirect contribution under the City's Ordinance; seconded by Vice-Mayor Tobin. Roll call: 3-4; Opposed; Commissioners Grieco, Malakoff, Wolfson, Levine. Motion failed.

Commissioner Weithorn stated that she hopes that they will have disclosure, which many residents ask for today; this is about ethics and making sure City Commissioners remain at the ethical front, and clearly the public does not view what is happening. She thinks it is important to discuss and asked the City Attorney to address the issue.

Mayor Levine added that after the last City Commission meeting, he contacted Rafael E. Granado, City Clerk, and suggested the idea of linking the State website, which lists all the PACs in the State, to make it accessible on the City's website. The City Clerk redesigned the City Clerk's website to allow access to every PAC across the State via this link, and it has been in effect for a week already. In the spirit of transparency, it is important that they make sure this happens.

Raul J. Aguila, City Attorney, recapped this issue which was brought to the attention of the City Commission by Commissioner Weithorn at the June 10, 2015 Commission meeting. The first issue has to do with a set of Ordinances in the City Code prohibiting vendors, real estate developers and their lobbyists, from making direct or indirect campaign contributions to the campaign of a candidate or a City elective office. The question was whether contributions to a Political Committee or PAC constituted indirect contributions in violation of the City's Ordinance. This issue caused the Office of the City Attorney to do a considerable amount of research. The foremost issue is that political contributions are considered protected political free speech under the First Amendment, and any limitations to these rights need to be looked at very carefully. After researching it, he found that there is nothing in the City Code or Ordinances that prohibit vendors, real estate developers and their lobbyists from making contributions to PACs, so long as the contributions are not earmarked by the contributor and funneled by the PAC to finance directly a specific candidate's campaign. Earmarked PAC funds for a candidate are illegal under Florida law, and considered to be indirect contribution and are prohibited. The second issue is regarding procurement issues, and whether the City can ask whether a vendor had made a contribution to a PAC in conjunction of the City's consideration in awarding a bid. He was concerned, not only with the constitutional issue raised by the question, but under fundamental procurement laws, the City has to award bids under the guidelines pursuant to the bid and the City Code, and they cannot be arbitrary and capricious. His concern is that without express prohibition in the City Code, and without any basis in a bid or an RFP that would allow them to ask the question, would the City be exposed to liability by asking a potential vendor whether he or she had made a contribution to the PAC, and then possibly allowing that to influence the City's judgment in awarding the bid; he does not think it is a potentially proper question for the City Commission to ask, and he thinks there could be liability in the City, in that a vendor that is challenging an award of a bid could find that the City acted arbitrarily and capriciously in asking that question.

Going forward, can the City enact future prohibition in the City Code that would prohibit vendors from making contributions to PACs, as they have done in terms of the current prohibitions where they are not allowed to make direct contributions to candidate's campaigns? His concern is that when this was done in 2000, the City Commission had just gone through an election, and there was a finding after passing the initial Ordinance that there had been contributions by vendors and real estate developers to campaigns of candidates, and those contributions had raised a threat to the democratic process; thus allowing the City to regulate what otherwise constitutionally

protective speech. Young Miami Commissioner Jimmy Morales brought a similar Ordinance before Miami-Dade County, prohibiting vendors and real estate developers and lobbyists, not only from making contributions to the candidates for Commission Office, but also to PACs. Former Commissioner Luis Garcia brought Commissioner Morales' proposed Ordinance to the City Commission, and they did elect not to include PACs in this Ordinance, restricting the prohibition to vendors, real estate developers and their lobbyists. If there is a desire by this City Commission to look into enacting prohibition of certain classes of individuals from making contributions to PACs, then there needs to be record support that the PACs have been using the money given by vendors and real estate developers have been earmarked to support candidates for City elected offices, and that there was an effect, but there is currently no record support. He stated that what can be done, as one Commissioner proposed, was to place the onus on the City official to disclose contributions or relationships with PACs rather than the vendor. This is consistent with State statute. Another measure that can be taken is to clarify what constitutes an indirect contribution to a City elective candidate. A contribution is indirect if the maker of the contribution makes it to the Political Committee with the knowledge that it will be earmarked and funneled to a candidate. That is illegal, and could be codified in the City Code, so that it is not as ambiguous.

Discussion held.

Mayor Levine clarified that the City has made it accessible for residents via the City's website to research the donations made to Political Committees by any donor in the State of Florida. If elected officials want to raise money for a PAC, they must register with the City.

Vice-Mayor Tobin stated that this is not a free speech issue; the issue is that these contributions are not necessarily voluntary. When vendors get telephone calls from elected officials they may feel compelled to donate large amounts of money to not jeopardize their item pending to go before the City Commission. He voiced his opposition to the Mayor, as an elected official, notifying the City Clerk to change the website to bolster an argument regarding campaign contributions that were to be held on the City Commission. He stated that the City of Miami Beach is supposed to be a City Manager run City.

Discussion held regarding PAC earmarking.

Raul J. Aguila, City Attorney, at the request of Mayor Levine, clarified that the City Clerk reports to the Mayor and City Commission, not the City Manager. He is a Charter Officer.

Commissioner Wolfson stated that the City Attorney did a thorough analysis of the legality of this issue, and PAC contributions are regarded as free speech contributions, and to say otherwise is incorrect. He spoke before the Breakfast Club and reviewed the entire issue in detail; restricting it under State Statute is not possible; for transparency purposes elected officials should be required to disclose who they are raising money when it is a Political Committee.

Vice-Mayor Tobin interjected and asked whether Mayor Levine and Commissioner Wolfson had been making telephone calls to raise money for PACs.

Discussion held regarding raising money for PACs and disclosing the contribution information.

Mayor Levine asked the City Attorney what campaign finance regulations they have in the City of Miami and Miami-Dade County.

Raul J. Aguila, City Attorney, explained that Aventura is the only other City that has specific prohibitions on vendors and real estate; very few cities have campaign finance prohibitions. There

are no restrictions at the County level. There are restrictions on the solicitation of gifts; you cannot solicit or accept a gift done in exchange for a quid pro-quo, but there is an exception under the County Code that does not prohibit elected officials from soliciting campaign contributions.

Mayor Levine stated that his concern is the issue with stopping people from raising money legally to run for office, because then only wealthy people will be able to finance their run for office. He gave his own example where he is in a very unique position where he has the means to finance his own campaign, but there are many others who want to run for office and have something to say, but will be unable to fund their campaign.

Discussion continued.

Vice-Mayor Tobin stated that the reason Mayor Levine and Commissioner Wolfson are raising money by making telephone calls is precisely that Mayor Levine is wealthy and recognizable, something the average person is not. He believes people are contributing to the PAC, because they are afraid of what may happen if they do not contribute.

Discussion continued.

Commissioner Malakoff stated that it seems to her that if someone has a PAC, one needs to register, as Commissioner Wolfson has done. She believes if someone contributes to a campaign, they are not expecting quid-pro-quo, but in fact agrees with the ideas the candidate is championing.

Commissioner Weithorn expressed her disappointment on this matter, and believes there is a lack of leadership regarding PAC funding. She stated her disagreement with City Attorney Aguila's opinion, and motioned to contact the Ethics Commission on this matter, Vice-Mayor Tobin seconded the motion.

Discussion held regarding raising funds via PACs.

Mayor Levine stated that people are contributing to PACs for the City to move forward. People are investing in good government. He suggested moving forward with some reforms, and the people of Miami Beach are investing in large amounts because they believe in the direction this City is taking. He expressed his support for Commissioner Wolfson's idea of disclosing the information.

Vice-Mayor Tobin reiterated his opposition to Mayor Levine and Commissioner Wolfson placing telephone calls that includes vendors and real estate developers asking for money for the PAC. He believes the timing and place are wrong.

Discussion continued.

Mayor Levine asked to move forward with the reform of disclosing the information.

Commissioner Grieco stated that they are talking about the activities of the elected officials, and asked how that influences a potential elected official. He has concerns of possibly limiting the funds an incumbent can raise for an election, and leaving the challenger with no constrictions on how to raise campaign money.

Discussion continued

Vice-Mayor Tobin interjected and once again expressed his opposition to Mayor Levine and Commissioner Wolfson raising money via telephone calls, which includes vendors, and real estate developers contributing to the PAC.

Discussion held on the influence money has had on previous Miami Beach elections.

Commissioner Weithorn stated that she made a motion previously and Vice-Mayor Tobin seconded, and would like a vote on it.

Commissioner Wolfson stated that he does not believe the motion made was valid, and does not have to be recognized.

Mayor Levine stated that he will not recognize the motion made by Commissioner Weithorn.

City Attorney Aguila stated that there was a motion made by Commissioner Weithorn to request an opinion from the Director of the Ethics Commission, Mr. Centerino, as to whether a contribution by a vendor, real estate developer or their lobbyists to a PAC constitutes an indirect contribution under the City's Ordinance. He stated he will read Robert's Rules of Order in order to confirm if Mayor Levine can recognize the motion.

Motion made by Commissioner Wolfson to require any elected officials raising money for PACs in Miami Beach report and file that they are raising money for such an organization.

Vice-Mayor Tobin offered a friendly amendment that the elected official on the dais ought to declare whether or not he or she has asked the person in front of us for money and when.

Mayor Levine suggested it should mirror State law.

Commissioner Malakoff seconded Commissioner Wolfson's motion.

Discussion held regarding support for Commissioner Wolfson's motion.
Commissioner Grieco suggested drafting legislation.

Raul J. Aguila, City Attorney, stated that after researching Robert's Rules of Order, Commissioner Weithorn's motion stands.

Mayor Levine asked whether the City Attorney had already met with Mr. Centerino of the Ethics Commission.

Raul J. Aguila, City Attorney, stated that he did meet with the Ethics Commission, but many times they give their opinions based on perception. He cannot represent his client, the City, on perception of the law but rather interpretation and he provided his opinion based on that interpretation.

Commissioner Wolfson asked whether he can provide legal advice on voting on this motion as amended.

City Attorney Aguila stated this is a City law, and the City's interpretation of the Ordinance should be given deference. There currently is a motion on the floor by Commissioner Weithorn seconded by Vice-Mayor Tobin to ask for an informal question from the Ethics Commission.

Commissioner Grieco expressed his concern on asking the Ethics Commission a legal opinion, and not an ethics question.

Mayor Levine directed the Office of the City Attorney to draft a policy requiring that any person running for office disclose what Political Committees they are receiving donations from, just like the State does. Item to return on **September 2, 2015**.

Handouts or Reference Materials:

1. City Clerk Elections website screen print home page and Election information website.

9:33:35 a.m.

ADDENDUM MATERIAL 1:

R9P Discussion And Update Regarding The Cherokee Avenue Street End Seawall In Lakeview.
(Sponsored by Vice-Mayor Edward L. Tobin)

ACTION: See discussion with C7J.

2:30:54 p.m.

ADDENDUM MATERIAL 2:

R9Q Discussion Regarding Arsenic Levels In The Sand Of Our Beaches.
(Sponsored by Commissioner Deede Weithorn)

ACTION: Discussion held in conjunction with item R9C. **Eric Carpenter and Betsy Wheaton to handle.**

6:02:38 p.m.

ADDENDUM MATERIAL 2:

R9R Discussion Regarding Proposed Resolution Requesting That Miami-Dade County And The City Of Miami Work Cooperatively With The City Of Miami Beach, And For The County And City Of Miami To Invite The City Of Miami Beach To The Table In All Matters That Could Affect The City; Particularly As It Relates To Negotiations Relating To Water And Sewer Capacity For Watson Island; And Directing The City Manager To Take All Necessary Actions To Participate In The Negotiation Of The Sewer Waste Contract Agreement That May Move An Estimated Additional 198,018 Gallons Per Day Of Sewage Waste From The Watson Island "Island Gardens" Project To Be Treated At The County's Virginia Key Processing Facility, As The Aging Sewer Infrastructure Puts Biscayne Bay And Miami Beach In Jeopardy.
(Sponsored by Vice-Mayor Edward L. Tobin)

ACTION: Discussion held. **Resolution 2015-29096 adopted.** See comments with Item R9C. Motion approved by acclamation. **Office of the City Attorney to prepare the Resolution. Eric Carpenter to handle and Mark Taxis to contact County Commissioner Bruno A. Barreiro.**

Discussion held.

Clerk's Note: See County Commissioner Barreiro's comments with Item R9C.

Vice-Mayor Tobin recapped the conversation earlier in the day between the City Commission and Miami-Dade County Commissioner Bruno A. Barreiro, wherein Commissioner Barreiro stated that the City would be invited to the table on this subject.

Frank Del Vecchio explained that item R9R is a Resolution confirming what the City and Commissioner Barreiro agreed to earlier; that it is a matter of significant importance to the City of Miami Beach that involves the County Commission. The County Commissioners who represent the City should be invited to take part and advocate the City's position. This particular Resolution instructs the City Manager to get materially involved in a particular agreement to find out what is going on. Said agreement is a three party agreement that was approved for negotiations on June 25 by the City of Miami, the Watson Island Flagstone developer and the County. The agreement would provide for the taking of the 198,018 gallons per day of additional sewage to be generated by the Flagstone Development on Watson Island and put it into the County sewage system. What we do not know is the capacity of the system, or the adequacy of the pipes to handle that sewage. The City of Miami Beach has had previous bad experiences with sewage pipes, which have dumped waste onto our beaches; beaches which we then have had to close. This happened in 2000, and there was a possibility of that happening a few years ago, but we managed to ensure that the contract was properly done. This is a Resolution directing the City Manager to use whatever authority he has to find out what is going on. It does not cost any money, it is something he would do anyway and we really want the County to bring us up to speed on what actually can happen with those pipes.

City Manager Morales stated that he would be happy to do so, and that Mr. Del Vecchio was correct that there would be no cost and County Commissioner Barreiro is on board.

Handouts or Reference Materials:

1. Coalition Against Chaos submitted by Fernando Diez; Statement in Support of Proposed Resolution.

6:05:53 p.m.

ADDENDUM MATERIAL 3:

R9S Discussion Regarding Withdrawing The Proposed Ordinance Assigned File No(s): 2233, 2234, And 2235 (All Related To Alcohol Beverage Regulations) From The Planning Board's Jurisdiction, And Refer Them Back To Land Use & Development Committee For Further Discussion And Consideration.

(Sponsored by Commissioner Jonah Wolfson)

ACTION: Discussion held. Item referred. Motion made by Commissioner Malakoff to refer item for discussion to the July 31, 2015 Land Use and Development Committee (LUDC) and to remove from the July 28, 2015 Planning Board Agenda; seconded by Commissioner Grieco; Voice-vote: 6-0; Absent: Commissioner Weithorn. **Thomas Mooney to place on the Committee agenda and to handle.**

REFERRAL:

Land Use and Development Committee

Commissioner Wolfson stated that there are some alcoholic beverage laws going in front of the Planning Board; he asked Thomas Mooney to briefly go over what the issues are about and suggested referring to LUDC before it comes back to the City Commission.

Mr. Mooney explained that there are three separate Ordinances with voluminous changes; 90% of the Ordinance is streamlining and simplifying the process. There are proposed changes that have generated controversy among property owners concerned, he thinks that is the issue people are here for, and they have suggested that these items travel separately as Ordinances and go on a separate pathway, and for the other noncontroversial Ordinances to move forward.

Commissioner Wolfson recommended referring all three Ordinances to LUDC and taking them off the Planning Board Agenda and he made a motion.

Commissioner Malakoff stated that the controversial items are the hours of operation.

Mr. Mooney clarified that the hours and other items have generated some controversy.

Discussion held.

Frank Del Vecchio believes that the item can be handled at the Planning Board level. He is in agreement with the attorney that wrote a letter of concern; he is concerned that the current grandfathered statute they have could put at risk the owner of a property for a restaurant "pulls out," and he cannot find a replacement tenant within 18 months. That means that the new tenant will be subject to new rules and hours of outdoor service, and that is precisely the issue that can come before the Planning Board. If the attorneys do not like the outcome of the Planning Board's decision, then that can come in front of the City Commission. He showed two ads from the Planning Board advertising the meetings, and added that the businesses are in fear because they do not understand the issue. He suggested letting the Planning Board do its process.

Discussion held.

Commissioner Grieco explained that when this was presented to Land Use and Development Committee by staff back in December 2013, this was a "clean up" item; now this is more than a cleanup issue. Staff does not dictate policy; the Board of Directors dictates policy. He suggested that the City Commission needs more time to discuss the matter, and added that it is not fair to "dump" it on the Planning Board. They are talking about the LDRs, changing alcohol times and is tied with some other decisions made, so he is asking for deference because this issue needs to be thoroughly discussed because it goes to the Planning Board.

Mr. Del Vecchio thinks this should come back to the City Commission. The question is whether they should follow the process they have now at Planning, where they can have lengthy debates for hours listening to the lobbyists and community members, and then come up with the recommendations, and then come back to the City Commission, at which point if the Commission cannot deal with it, then they can refer it back to LUDC.

Discussion continued.

Commissioner Malakoff agrees with Commissioner Grieco. At LUDC, the idea was that there were various items about alcohol throughout the Code, and to find hours, or commercial districts hours, one had to look through the entire City Code. The idea was to combine all items related to alcohol and have them in one specific section of the Code. She suggested referring back to LUDC to discuss changes made.

Motion made and seconded.

Mr. Mooney clarified that the item will be removed from the July 28, 2015 Planning Board Agenda and sent to the LUDC of July 31, 2015.

Commissioner Steinberg asked when the item was first referred to the Planning Board. Mr. Mooney answered that the item had originally been referred in December 2014. She asked why the item had not been taken up, and Mr. Mooney explained the reason being mainly the size and the controversial nature of the legislation.

Discussion held.

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(City Attorney Office)

ACTION: Status Report given.

Reports and Informational Items

1. Reports and Informational Items (see LTC 270-2015)
2. List of Projects Covered by the Cone of Silence Ordinance - LTC 271-2015.
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months
From Their Referral Date.
(Office of the City Clerk)

End of Regular Agenda

**Miami Beach Redevelopment Agency
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
July 8, 2015**

Chairperson of the Board Philip Levine
Member of the Board Michael Grieco
Member of the Board Joy Malakoff
Member of the Board Micky Steinberg
Member of the Board Edward L. Tobin
Member of the Board Deede Weithorn
Member of the Board Jonah Wolfson
Member of the Board Miami-Dade County Commissioner Bruno A. Barreiro

Executive Director Jimmy L. Morales
Assistant Director Kathie G. Brooks
General Counsel Raul J. Aguila
Secretary Rafael E. Granado

AGENDA

Rafael E. Granado, City Clerk, announced that all members of the Redevelopment Agency are present, except for Miami-Dade County Commissioner Bruno A. Barreiro.

1. NEW BUSINESS

Rafael E. Granado, City Clerk, announced that all members of the Redevelopment Agency are present, except for Board Member Wolfson and County Board Member Bruno A. Barreiro.

2. NEW BUSINESS

2:04:19 p.m.

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Accepting The Recommendation Of The City's Finance And Citywide Projects Committee, And Approving, On Second And Final Reading Of This Resolution And Following A Duly Noticed Public Hearing, A Lease Agreement, Substantially In The Form Attached To This Resolution, Between The RDA (Landlord) And Cubiche 105, LLC (Tenant), In Connection With The Use Of Suite Nos. 1-3 At The Anchor Shops, Located At 1555 Washington Avenue, Miami Beach, Florida (Premises), For A Term Of Nine (9) Years And Three Hundred And Sixty Four (364) Days From Rent Commencement, With Two (2) Renewal Options, For Five (5) Years Each, At The Tenant's Option; Further Waiving The Competitive Bidding Requirement In Section 82-39(a) Of The City Code, Finding Such Waiver To Be In The Best Interest Of The City/RDA; And Further Approving The Commission Agreement With Koniver Stern Group, Inc. **2:00 p.m. Second Reading Public Hearing**

(Tourism, Culture & Economic Development)
(First Reading on June 10, 2015 - RDA: 1A)

ACTION: RDA Resolution 614-2015 adopted. Public Hearing held. Motion made by Board Member Grieco with the payment scheduled as requested by Koniver Stern, seconded by Board Member Tobin; Voice vote: 7-0. Absent: Bruno A. Barreiro, Miami-Dade County Commissioner. **Max Sklar to handle.**

City Clerk's Note: In answering Commissioner's Grieco question about 6/7 vote; City Attorney Aguila explained that Board Member Barreiro was appointed to the RDA after the Charter was amended; therefore, they have to amend the Charter as to RDA matters. The Charter still says 6/7, and in Legal interpretation of that, they have interpreted as requiring six votes.

Max Sklar, Tourism, Culture & Economic Development Director, introduced the item. At the last meeting two issues came up and they have addressed them both, one, the pass through operating expenses, and two, the brokerage commission for Koniver Stern Group. They have completed their analysis and the operating expenses at this time are \$8.81 cents per square foot. As a result, they began negotiating the base rent with the prospective tenant because of the increase in the operating expenses. They are now recommending a base rent of \$56 per square foot instead of \$59, which is 95% of the appraised value. Additionally, the commission is 3%, which totals \$137,319. Based on negotiations with Koniver Stern Group, they are proposing 25% of that be paid at lease execution, 25% of that at rent commencement and the balance, which is 50%, due the thirteenth month following rent commencement. This was ultimately Koniver Stern Group's recommendation. The City had initially proposed 50%, but the balance of the 50%, the City had proposed for the beginning of the sixth year. However, they did not have a listing broker on this; they were about to execute an agreement with a broker, so that saves 3% on the commission.

Discussion held.

Commissioner Malakoff suggested 25% upon signing, 25% upon payment of first month's rent, 25% on the 13th month, and the final 25% at the sixth year.

Discussion continued regarding rent terms.

Vice-Mayor Tobin stated that they have a tenant willing to sign a lease, and the City is saving the 3% and only paying half of commission. He has seen in the industry half upon signing of the lease, and when there is significant tenant improvement in the space, as in this case, he has seen half commission on signing and half commission when they get the Certificate of Occupancy.

Commissioner Steinberg is in agreement of 25% of the 13th month.

Discussion continued.

Mayor Levine asked Mr. Stern to approach the podium.

Mr. Lyle Stern stated that this is a business decision if the City wants this tenant in this property at this time. He stated that they will bring a fresh uplift to Washington Avenue. They will be happy to help and support the City and they have made that offer several times.

Discussion held.

Commissioner Weithorn asked if the will of this Commission is to get a tenant, she will go along with it, but it has to be with the caveat that the tenant will fix other problems.

Mr. Stern stated that they have already committed to that. This is a business decision that this City Commission has to make.

Commissioner Steinberg stated that the marketing plan shows that the restaurant will be successful over the long term and that it is a win-win for everyone.

Handouts and Reference Materials:

1. Notice in the Miami Herald Ad No. 1037

2:16:29 p.m.

SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution

- 1B A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Accepting The Recommendation Of The Finance And Citywide Projects Committee, Pursuant To Invitation To Negotiate (ITN) No. 2015-060-LR (The ITN), For The Leasing Of City-Owned Buildings And Rooftops For The Placement Of Telecommunications Equipment, And Authorize The Executive Director To Execute A Nine Year And 364 Day Lease Agreement With Crown Castle NG East, LLC ("Tenant"), Attached And Incorporated Herein As Exhibit A, For Tenant To Operate And Maintain Its Existing Telecommunications Hub On The Roof Of The RDA's Parking Garage Located At 1550 Collins Avenue, With A Monthly Rent Of \$4,000.00.

(Tourism, Culture & Economic Development)

ACTION: RDA Resolution 615-2015 adopted as amended. Motion made by Board Member Malakoff, seconded by Board Member Grieco; Voice vote: 7-0. Absent: County Board Member Bruno A. Barreiro. **Max Sklar to handle.**

Amendment:

- ✓ Add a Termination for Convenience clause following three years with six months' notice by either party.

Eve Boutsis, Deputy City Attorney, explained that there was an acceptance by the Finance and Citywide Projects Committee in July 1st, which added minor modification. She requested including the amendment to the language.

Max Sklar, Tourism, Culture & Economic Development Director, stated that this following an ITN from Castle, the sole bidder; they negotiated with them and is strictly for the lease of the rooftop at the Anchor Garage, which they currently occupy. There are negotiating also the other rooftop locations throughout the City.

Commissioner Weithorn clarified that after three years, with six months' notice, there will be a termination for convenience by either party.

Handouts or Reference Materials:

1. Termination: Effect of Termination Section 23(a)

Meeting adjourned at 6:17:52 p.m.